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ABSTRACT

On April 14, 1980, the Senate Select Committee on Indian Affairs heard testimony in Santa Fe, New Mexico, regarding S. 2166, a bill to establish a National Institute of Native American Culture and Arts Development. Forty-two witnesses appeared before the committee to note strengths and weaknesses of the bill, suggest changes in wording, and voice their concerns regarding the ability of the BIA to administer a postgraduate arts institute and the appropriateness of Santa Fe as the location for the proposed institute. Representatives of nine Pueblos and the All Indian Pueblo Council strongly opposed the bill, fearing the institutionalization of their culture, the invasion of private religious practices, and especially the loss of basic educational services for Indian children in the Santa Fe area at the Institute of American Indian Arts 1(IAIA) facility. The committee reassured the Pueblo governors and the many other witnesses with similar concerns that this was not the intent of the bill. Representatives of the Crow, Zuni, and Navajo Tribes and New Mexico Senator Pete Domenici spoke in support of the bill. Other witensses represented IAIA, the Santa Fe Indian School, and several Indian arts associations. The text of S. 2166 is included in the record. (SB)

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DEVELOPMENT OF NATIVE AMERICAN CULTURE AND ART

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HEARING

BEFORE THE

SELECT COMMITTEE ON INDIAN AFFAIRS
UNITED STATES SENATE

NINETY-SIXTH CONGRESS

SECOND SESSION

ON

S. 2166

TO PROMOTE THE DEVELOPMENT OF NATIVE AMERICAN CULTURE AND ART

APRIL 14, 1980

SANTA FE, N. MEX.

Printed for the use of the Select Committee on Indian Affairs

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DEVELOPMENT OF NATIVE AMERICAN CULTURE AND ART

APRIL 14, 1980

U.S. SENATE,
SELECT COMMITTEE ON INDIAN AFFAIRS,
Santa Fe, N. Mex.

The committee met, pursuant to notice, at 9:15 a.m., in the gymnasium at the Institute of American Indian Arts, Santa Fe, N. Mex., Senator John Melcher (chairman of the committee) presiding.

Present: Senators Melcher and Domenici.

Staff present: Max Richtman, staff director, and Susan Long, professional staff member.

Senator MELCHER. The committee will come to order.

My friends, we have a country of United States which is 200 years old, a country that has diverse races and nationalities, which has given us a very great degree of vigor as a nation, and a combined heritage that has never been found before in all the world.

Now, we have an intermingling of races and nationalities that, in bygone eras, have been hostile to each other. We have come together here, forming the United States into one nation and we have given to each other pride and strength by melding together the brawn, the brains, the culture, and the talents of many people and a great number of nationalities.

But there is an American history and culture that predates Columbus by thousands of years and it is in that vein that we need to do much more in determining the impact on that very old culture here in America.

The Institute of American Indian Arts here in Santa Fe was a fine, first step. We want to foster and develop, through greater efforts, Indian art, Indian culture, Indian history, and Indian religion. We need to search, we need to record, and we need to preserve that very great heritage of ours.

In doing that, we would like to be able to do more in presenting to our Nation, the hemisphere, and the world, this, the first and oldest of American culture. Toward that goal, today, the Senate Select Committee on Indian Affairs is holding this public hearing, the first public hearing on S. 2166. This is a bill to establish a National Institute of Native American Culture and Arts Development.

I introduced S. 2166 on December 20, 1979, and, currently, nine members of the Senate are cosponsoring the bill. At this time I will place a copy of S. 2166 into the record.

[The bill follows. Testimony resumes on p. 12.]

II

96TH CONGRESS
1ST SESSION

S. 2166

To promote the development of Native American culture and art.

IN THE SENATE OF THE UNITED STATES

DECEMBER 20 (legislative day, DECEMBER 15), 1979

Mr. MELCHER (for himself, Mr. BURDICK, Mr. HATFIELD, and Mr. INOUYE) introduced the following bill; which was read twice and referred jointly, by unanimous consent, to the Select Committee on Indian Affairs and the Committee on Governmental Affairs with instructions, that when ordered reported by one committee the other has 45 days in which to report

---

A BILL

To promote the development of Native American culture and art.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Native American Culture and Art Development Act".

SEC. 2. The Congress finds and declares that (1) American Indian art and culture has contributed greatly to the artistic and cultural richness of the Nation; (2) American Indian art and culture occupies a unique position in American history as being our only genuinely native art form and cultural heritage; (3) the enhancement and preservation of this Nation's native art and culture has a fundamental influence on the American people; (4) although the encouragement and support of Indian arts and crafts are primarily a matter for private, local, and Indian initiative, it is also an appropriate matter of concern to the Federal Government; (5) it is appropriate and necessary for the Federal Government to support research and scholarship in Indian art and culture and to complement programs for the advancement of Indian art and culture by tribal, private, and public agencies and organizations; (6) current Federal initiatives in the area of Indian art and culture are fragmented and inadequate; and (7) in order to centralize the Federal Government's effort to preserve, support, revitalize, and disseminate Indian art and culture, it is desirable to establish a national Institute of Native American Culture and Arts Development.

SEC. 3. As used in this Act, the term—

(1) "Indian art and culture" includes, but is not limited to, the traditional expression of Native American language, history, customs, belief, music, architecture, drama, dance, rituals, and crafts;

(2) "Institute" means the Institute of Native American Culture and Arts Development established by this Act;

(3) "Indian" or "Native American" means any person who is a member of an Indian tribe or a descendant of an aboriginal inhabitant of the United States;

(4) "Indian tribe" means any tribe, band, nation, or other organized group or community of Indians, including any Alaska Native village pursuant to the Alaska Native Claims Settlement Act, which is recognized as eligible for special programs and services provided by the United States to Indians because of their status as Indians.

SEC. 4. (a) There is established the Institute of Native American Culture and Arts Development, which shall be under the direction and control of a Board of Trustees (hereinafter referred to in this Act as the "Board") established in accordance with subsection (b) of this section.

(b) The Board shall be composed of nineteen members as follows:

(1) twelve members appointed by the President of the United States from among individuals from private life who are widely recognized in the field of Indian art and culture (and a majority of whom shall be Native Americans);

(2) Secretary of the Interior (or his designee);

(3) Secretary of Education (or his designee);

(4) Secretary of the Smithsonian Institution (or his designee);

(5) Chairman, National Endowment of the Arts (or his designee);

(6) Chairman, National Endowment of the Humanities (or his designee);

(7) Librarian of Congress (or his designee); and

(8) President of the Institute (or his designee).

(c) In making appointments pursuant to clause (1) of subsection (b) of this section, the President of the United States shall give due consideration to the appointment of individuals who will provide an appropriate regional and tribal representation on the Board.

(d) The term of office of each trustee appointed pursuant to clause (1) of subsection (b) of this section shall be six years, except that of such trustees first appointed, four shall serve for a term of two years, four for a term of four years, and four for a term of six years, as designated by the President as of the time of appointment. Any trustee appointed to fill a vacancy occurring prior to the expiration of the term to which his predecessor was appointed shall be appointed for the remainder of the term. No trustee appointed pursuant to clause (1) of subsection (b) of this section shall be eligible to serve in excess of two consecutive terms, but may continue to serve until his successor is appointed.

(e) The President of the United States shall designate the initial Chairman and Vice Chairman of the Board from among the trustees appointed pursuant to clause (1) of subsection (b) of this section. Such Chairman and Vice Chairman so designated shall serve for twelve calendar months. The Chairman and Vice Chairman shall thereafter be elected by the trustees appointed pursuant to clause (1) of subsection (b) and shall serve for terms of two years. In the case of a vacancy in the office of Chairman or Vice Chairman, such vacancy shall be filled by the trustees appointed pursuant to clause (1) of subsection (b) and the trustee filling such vacancy shall serve for the remainder of the unexpired term. Until otherwise provided by the bylaws of the Institute, a majority of the members of the Board shall constitute a quorum.

(f) The Chairman of the Board, in consultation with the Board, shall appoint a President of the Institute. The President of the Institute shall serve as the chief executive officer of the Institute. Subject to the direction of the Board and the general supervision of the Chairman, the President of the Institute shall have the responsibility for carrying out the policies and functions of the Institute, and shall have authority over all personnel and activities of the Institute. The Vice Chairman shall perform such functions as the Chairman may prescribe, and shall serve as Acting Chairman during the absence of the Chairman. The President of the Institute shall be compensated at an annual rate not to exceed that prescribed for GS-18 of the General Schedule under section 5332 of title 5, United States Code.

(g) Members of the Board appointed pursuant to clause (1) of subsection (b) of this section shall, for each day they are engaged in the performance of the duties under this Act, receive compensation at the rate of $125 per day, including traveltime. All members of the Board, while so serving away from their homes or regular places of business, shall be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in Government service employed intermittently.

(h) In administering the Institute, the President of the Institute, with the approval of the Board, shall have the authority to appoint and fix the compensation and duties of such officers and employees as may be necessary for the efficient administration of the Institute. Such appointments and compensation may be made without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and chapter 51 and subchapter III of chapter 53 of title 5, United States Code.

(i) The Board is authorized to adopt an official seal which shall be judicially noticed and to make such bylaws, rules, and regulations as it deems necessary for the administration of its functions under this Act, including the organization and procedure of the Board.

(j) The Board is authorized to obtain the services of experts and consultants in accordance with the provisions of section 3109 of title 5, United States Code, and to accept and utilize the services of voluntary and noncompensated personnel and reimburse them for travel expenses, including per diem, as authorized by section 5703 of title 5, United States Code.

(k) The Board is authorized to solicit, accept, and dispose of gifts, bequests, devises of money, securities, and other properties of whatever character, for the benefit of the Institute. Any such gifts, bequests, or devises, unless otherwise restricted by the terms thereof, shall be utilized in the discretion of the Board for the purposes of the Institute.

(l) The Board is authorized to receive grants from, and enter into contracts and other arrangements with, Federal, State, or local governments, public and private agencies, organizations, and institutions, and individuals.

(m) The Board is authorized to acquire, hold, maintain, use, operate, and dispose of such real property, including improvements thereon, personal property, equipment, and other items, as may be necessary to enable the Board to carry out the purposes of this Act. At the request of the Board, the head of the Federal department having jurisdiction over any real property, including improvements thereon, comprising the Institute of American Indian Arts facility located in Santa Fe, New Mexico, shall transfer, by appropriate instrument, all jurisdiction and control over such real property and improvements to the Institute.

SEC. 5. In administering the Institute, the Board shall have all necessary and proper powers which shall include, but not be limited to, the power to establish, within the Institute—

(1) a Center for Culture and Art Studies to be administered by a director (appointed by the President of the Institute, with the approval of the Board), which shall include, but not be limited to, Departments of Traditional Arts and Sciences, Visual Arts, Performing Arts, Language, and Literature;

(2) a Center for Native American Scholars to be administered by a director (appointed by the President of the Institute, with the approval of the Board), which shall include, but not be limited to, research programs, fellowship programs, and publications;

(3) a Center for Cultural Exchange, administered by a director (appointed by the President of the Institute, with the approval of the Board), which shall include an inter-American Indian program, marketing

and promotion of Indian crafts, promotion of Indian art, exhibits and shows;

(4) a Museum of Indian Arts, administered by a director (appointed by the President of the Institute, with the approval of the Board), which shall include, but not be limited to, the acquisition of Indian art and the curation and exhibition of Indian art; and

(5) any other centers or programs which the Board determines appropriate to preserve, support, revitalize, and disseminate Indian art and culture.

SEC. 6. (a) There are transferred to the Institute and the Institute shall perform the functions of—

(1) the Institute of American Indian Arts established by the Secretary of the Interior in 1962; and

(2) the Indian Arts and Crafts Board established by the Act entitled "An Act to promote the development of Indian arts and crafts and to create a board to assist therein, and for other purposes", approved August 27, 1935.

(b)(1) All personnel, liabilities, contracts, property, and records as are determined by the Director of the Office of Management and Budget to be employed, held, or used primarily in connection with any function transferred under the provisions of this Act, are transferred to the Institute.

(2) Personnel engaged in functions transferred by this Act shall be transferred in accordance with applicable laws and regulations relating to the transfer of functions, except that such transfer shall be without reduction in classification or compensation for one year after such transfer.

(c) All laws and regulations relating to the Institute of American Indian Arts and the Indian Arts and Crafts Board transferred to the Institute by this Act shall, insofar as such laws and regulations are applicable, remain in full force and effect. With respect to such transfers, reference in any other Federal law to the Institute of American Indian Arts and the Indian Arts and Crafts Board, or any officer so transferred in connection therewith, shall be deemed to mean the Institute.

SEC. 7. The President of the Institute shall submit an annual report to the Board concerning the administration of the Institute during the twelve calendar months preceding the date of the report. Such report shall include, among other matters, a detailed statement of all private and public funds, gifts, and other items of a monetary value received by the Institute during such twelve-month period and the disposition thereof.

SEC. 8. There are authorized to be appropriated, for the fiscal year ending September 30, 1981, the sum of $4,000,000 to carry out the purposes of this Act, and for each fiscal year thereafter, such sum as may be necessary.

Senator Melcher. The testimony the committee will receive today will represent a wide variety of views on the bill and its impact on Indian people and their art and culture. The committee hopes that this hearing will establish a record which may be used as a guide in refining this legislation.

Current Federal initiatives in the area of Indian art and culture are fragmented and inadequate. This legislation expresses a new Federal commitment to the great artistic and cultural heritage of this Nation by providing a means whereby it will be preserved, revitalized, and disseminated.

The unique aspects of American Indian cultural contributions must be treated with great concern and sensitivity. The national institute established by this bill will serve the entire Indian community and the Nation by creating a focal point for the recognition of Indian art and culture. It will also serve as a means by which Indian people can share their feelings and perceptions with each other and non-Indians.

The resulting enhancement and preservation of our heritage will have a fundamental influence in raising the self-realization of the American people. It is my hope that with this bill, these goals will be accomplished. As I have said, we have got a fine start right here in Santa Fe, right here on this campus where we are holding this hearing here today.

There should be no fear or no suspicion among the Pueblos that the bill will be allowed to be used as some sort of a vehicle for pushing students of the Pueblo from this facility. We will be discussing in every way possible, the best and the most productive way for the education of the Pueblo students at the high school and junior high school age. We will not attempt to force off the students against their will. Santa Fe, in my judgment, is a logical place for centering a more broadened, more determined effort for the Institute of Native American Culture and Arts Development.

We are not hardhearted and we are not dogmatic in what will become the future for the Pueblo students. We are not posing that as some sort of ultimatum to the Pueblos, that the students now enrolled here—whatever the futures of the junior high school students, Pueblo students are—we are not using this bill to in some way force them from here. We will work together with the Pueblos very sincerely, keeping in mind that the history of this institution here and this campus is going back, I believe it was, to 1890. Is that correct?

Voice from the Audience. 1895.

Senator Melcher. Somewhere in the last century, where the establishment of this facility was for the Indian people of this area.

I am very privileged to be here today in Santa Fe and to be with Senator Pete Domenici who has been most constructive in so many of the determinations that we make in Congress that affect Indians and that affect us all. My State of Montana has many similarities with the State of New Mexico, and my relationship with Senator Domenici has been one that has been very fruitful for me and I think fruitful for Montana.

Senator Domenici is here and he is our first witness today.

Pete, I am very delighted to be with you and especially pleased and proud that you are participating in this hearing.

STATEMENT OF PETE V. DOMENICI, A U.S. SENATOR FROM THE STATE OF NEW MEXICO

Senator DOMENICI. Well, thank you very much, Senator Melcher and Mr. Chairman. I first want to say in behalf of the State of New Mexico and, in particular, our Indian people, that we welcome you here today. We don't only welcome you but we congratulate you for the interest you have shown in the problems of our Indian people.

The fact that, in the U.S. Senate, you would accept the chairmanship of the Select Committee on Indian Affairs indicates that you are willing to spend a great deal of time addressing the short- and long-term problems of the minority in this country and in our States, called the native Americans.

Mr. Chairman, I have some prepared remarks. I would ask that they be made a part of the record, and I would just like to talk to you as chairman and to the record for a few moments.

I am delighted to hear your opening remarks and to hear you so clearly indicate that this facility, this large campus, which now houses a significant number of high school students, that it is not the intent of your bill or of your attitude as chairman of the committee to push these students off this campus.

There are many who think one cannot be for using this facility for the education of junior high school students and high school students and still support Indian arts, the Indian Arts Institute, and more importantly, Mr. Chairman, your excellent bill, Senate bill 2166.

I have not gone on the bill heretofore because some people perceived of it as a solution to the campus problem here and that it was intended to return this entire facility to the Indian Arts Institute utilization. I am happy to hear you so clearly indicate that such is not the intent. I want to tell you now that I will gladly be your cosponsor. I will work as hard as I can for the adoption in the Senate of your bill, of a bill for the first time in America to create a real American Native American Culture and Arts Development Institute, much broader in scope than what we had heretofore and, obviously, the subject of a different kind of direction and policymaking than we have had before.

It has been my feeling that, across this land, wherever we have post-high-school institutions—be it the Indian Arts Institute, Haskell, SIPI—that we have to find some way to distinguish those from our efforts to run junior high schools, grade schools, and high schools under the direction of the BIA. I feel firmly that they need broad policy direction. They need something like a board of regents, and I am pleased to find that your bill, for the first time, incorporates that concept.

The concept found in section 4 would envision that the development in our Nation of native American culture and art would be under a 19-member board, national in nature, many appointed by the President, others on the board because of their national relationship with Indian art and culture.

It will become clear today to you, as you listen to all of the witnesses, that there is indeed a great misunderstanding. This campus and this Institute—and I'm not going to go into detail—but there is no question that it started out as a tremendous facility and over the years, the entire campus was underutilized, the expenditures in Indian arts were misdirected, misguided. I know you do not want that. I do not want that. I do not want my support of this facility to be used by Indian junior high and high school students to be interpreted in any way other than what I have said here today.

I believe we truly need a revitalized, a much broader in concept Indian arts and culture development process for our Nation. If this facility, in part, or some other facility in Santa Fe or somewhere in our Nation can be the focal point for that, and if that can be done soon, we will disarm those who think that—either your bill or my support of the Indian students that are here—we do not support Indian arts, Indian culture, and the preservation of it.

Quite to the contrary, your opening remarks clearly indicate that your intention is to preserve and pass on for many generations the significance of Indian culture and art and, where possible, Indian religion. So, Mr. Chairman, I want to close by saying that it is not frequent that we will have a Senator with all the problems that Senators have in budget, armed services, military preparedness, the economy, it is not usual for a Senator to take so much of his time to come and have a hearing on this in Santa Fe, N. Mex., on an issue of Indian arts and culture, and I commend you for it.

It bodes for the future of our Indian people in this very significant part of their contribution: art, culture, and religion. Thank you very much for listening to me, Mr. Chairman. I will have to leave early, but you can rest assured that if you need any further evidence from me or the people I work with here in New Mexico to improve upon what I can now call your and my bill, you will receive it. Any time you need it, we will help you with it.

Thank you very much.

Senator MELCHER. Thank you, Pete. That is very good of you. We will put your statement in the record and, immediately following that, make a part of the record a communication from myself to you relative to the Pueblo students here and also a response from Congressman Sidney Yates, the chairman of the subcommittee, House Appropriations Subcommittee, dealing with Interior, regarding the matter. Also, I will make part of the record a number of letters in support of the bill and some telegrams and letters that point out different aspects of the bill.

[The prepared statement of Senator Domenici, the letter from Senator Melcher to Senator Domenici, a joint letter from Senator Melcher and Senator Domenici to Representative Sidney Yates and response follow. The aforementioned letters and telegrams are included under additional material received for the record and begin on p. 73.

Prepared Statement of Senator Pete V. Domenici, a U.S. Senator From the State of New Mexico

Mr. Chairman, thank you for the opportunity to testify regarding the status of the Institute of American Indian Art located here in my State of New Mexico. I take this opportunity to welcome you to the "Land of Enchantment."

Having been involved in the direction of use of this facility for quite some time and having visited the facility again during the past recess, I feel this hearing can be extremely useful in finalizing the agreement reached by the All Indian Pueblo Council and the Department of the Interior for the conversion of the Institute to an Indian educational facility.

For myself, this is the only reasonable result which would allow the tremendous potential of this facility to be actuated as an educational facility for the young people of the Pueblo communities.

The past record of the Institute indicates the best course is not reform but, rather, beginning afresh.

Delfin Lovato, chairman of the All Indian Pueblo Council, and other witnesses from New Mexico, will reiterate the reason and examples that compel this change.

However, the question remains: What will happen to the IAIA? First, I must make clear that, in my judgment, a joint use of the facility is unacceptable. The social problems of mixing pre-adolescents, adolescents, and adults in a close, confined campus environment presents serious social problems and would severely limit the total educational experience for all.

Therefore, the question of where to move the Institute as a facility becomes the question which may be addressed and answered in S. 2166, the bill you have sponsored in which I hereby join as cosponsor.

Santa Fe, which is recognized, and proudly so, as the "Art Capital of the Southwest," makes an ideal location for an Institute of Native American Culture and Arts Development. All New Mexico is proud to have the present Institute located in Santa Fe and we would hope a solution can be found to keep the new Institute in Santa Fe in another facility.

The question regarding the fate of the IAIA is not one of support or non-support of Indian art. We all agree that the value of the contribution of Indian art to our cultural, historical and folklore, especially in the West, is priceless and must be continued.

However, in view of the costs of maintaining this specific facility at its present levels of appropriation per student, when balanced against the value of this facility in educating the young Indians in New Mexico, there can be no question the direction we must take.

Rather than dissect the past causes of this deterioration, we should finalize the status of the Indian school and move on to finding a new site for a new Institute and insure that the present problems do not beset it in the future.

These brief remarks, Mr. Chairman, were meant to reiterate my support in the form of an Institute of Native American Culture and Arts Development for the continuation of the Institute of American Indian Art. Working together, a solution can be found.

[LETTER FROM SENATOR MELCHER TO SENATOR DOMENICI]

U.S. SENATE,
SELECT COMMITTEE ON INDIAN AFFAIRS,
Washington, D.C., January 15, 1980.

HON. PETE V. DOMENICI
United States Senate, Washington, D.C.

DEAR PETE: In response to your concerns about the future of the high school students currently attending classes on the campus of the Institute for American Indian Arts in Santa Fe, I make the following observations:

Although Section 6 of S. 2166 transfers I.A.I.A. functions and facilities to the Institute of Native American Culture and Arts Development, it is not the Committee's intent to deprive Pueblo children of an adequate high school facility. I understand the reasons for moving the high school from Albuquerque to Santa Fe and am aware of the All Indian Pueblo Council's desire to also relocate the Albuquerque Junior High in the fall of 1980.

I can assure you that as Chairman of the Select Committee on Indian Affairs, before we approve the use of the buildings at the Institute for American Indian Arts for the proposed Institute of Native American Culture and Arts Development functions, the Pueblos will be provided with acceptable high school facilities.

Best regards.

Sincerely,

JOHN MELCHER,
Chairman.

[JOINT LETTER FROM SENATOR MELCHER AND SENATOR DOMENICI TO REPRESENTATIVE SIDNEY YATES AND RESPONSE]

UNITED STATES SENATE,
Washington, D.C., February 6, 1980.

DEAR CONGRESSMAN YATES: As the House Appropriations Sub-Committee on the Interior is preparing hearings for FY 81 funds, we wanted to clarify our mutual position regarding the proposed Institute of Native American Culture and Art and the present use of the Institute of American Indian Arts by students from Albuquerque Indian School.

We are committed to the establishment of a first class national institute to gather and preserve Indian Art, culture and history. At the same time we have assured the pueblo leaders their children will not be crowded out of the facility where they are presently studying. The Santa Fe campus will not accommodate both and realistically a new facility will have to be built. From presently available estimates, it may be more fiscally, responsible to construct a new institute rather than a new high school.

Working together we can accomplish both objectives of establishing quality education for Indian children and a renowned natural institute.

With warm personal regards.

JOHN MELCHER.
PETE V. DOMENICI.

WASHINGTON, D.C., *February 25, 1980.*

Hon. PETE V. DOMENICI,
Hon. JOHN MELCHER,
Dirksen Senate Office Building,
Washington, D.C.

DEAR SENATORS: Thank you for your letter of February 6 which I just received in which you state your mutual position regarding the Institute of Native American Cultural Art and the present use of the Institute of American Indian Arts students from the Albuquerque Indian School.

I note your commitment to the establishment of a first class national institute to gather and preserve Indian art, culture and history. I note you have assured the Pueblo leaders their children will not be crowded out of the facility where they are presently studying.

I agree that the Santa Fe campus will not accommodate both, but I do not agree that a new facility will have to be built—and I don't agree that a new institute must be constructed.

Perhaps certain facts have not been made available to you. The first is that the Navajo, who have more students at IAIA than the Pueblos, are opposed to giving up IAIA to be used as a high school by the Pueblos.

Secondly, the GSA Task Force shall review the Albuquerque Indian school facility that can be refurbished as a first-class high school for the Pueblos through rehabilitation which will cost in the area of $5–$7 million.

Thirdly, other Indian tribes which have been made aware of this situation have indicated they think IAIA should continue in its present establishment. I am sure you agree with me that the question of whether the Institute should be surrendered to be used as a high school is one for all the Indian people to decide, not just the Pueblos.

I look forward to working with you in achieving an answer to the situation.

With kindest regards,

Sincerely yours,

SIDNEY R. YATES,
Member of Congress.

Senator **MELCHER**. Our first witness this morning will be Dr. Helen Marie Redbird, president, Native American Council of Regents, Institute of American Indian Arts. Helen, welcome to the committee. The committee would like to receive your testimony at this time.

STATEMENT OF DR. HELEN MARIE REDBIRD, PRESIDENT, NATIVE AMERICAN COUNCIL OF REGENTS, INSTITUTE OF AMERICAN INDIAN ARTS

Dr. **REDBIRD**. Good morning. Thank you for allowing me this opportunity. I am Helen Marie Redbird, president of the Native American Council of Regents, Institute of American Indian Arts. I will read my testimony.

The Native American Council of Regents of the Institute of American Indian Arts wishes to thank Mr. Melcher, and others, for this bill and for the opportunity to present testimony regarding S. 2166. The testimony of the Native American Council of Regents will be presented under the two headings of strengths and concerns from their perspective.

Strengths. No. 1. The outstanding strength of this bill is that it does indeed create a National Institute of Native American Culture and Arts Development which would include the entity now known as the Institute of American Indian Arts established by the Secretary of the Interior in 1962.

Up to this time, the relationship of the Institute of American Indian Arts to the Bureau of Indian Affairs has been one of questionable legitimacy. The only real act defining the relationship between the Bureau of Indian Affairs and the Institute of American Indian Arts has been the Snyder Act which allows for appropriations.

It is still unclear to the regents precisely what might be the status of the Institute of American Indian Arts under Public Law 95-471. The regents are still seeking a response from Mr. Paxton and Mr. Barlow of the Bureau of Indian Affairs as to the precise legal status of the Institute of American Arts. Therefore, it is not difficult to understand why the regents consider the creation of the National Institute of American Culture and Arts Development to be the outstanding strength of this bill.

No. 2. Another strength of this bill is the autonomy of the National Institute of American Culture and Arts to engage in unique relationships that, to this time, no other institution in the United States could do. For example, the relationships possible for the five centers described on pages 8-9, section 5, could advance the United States to a national and international prominence in the area of the arts and culture of the American Indian, Eskimo, and Aleut.

No. 3. Both purpose and recognition are related in S. 2166. As the Native American Council of Regents understands the bill, the purpose of the bill is to establish a National Institute of Native American Culture and Art because of the seven reasons stated in the bill. The regents strongly support this position.

There is only one word of concern to the regents and that word is "centralize" in section 2, page 2, line 14. The word "coordinate" would better suit the NACOR's position on the establishment of the National Institute. Perhaps the regents have become overly paranoid about the word "centralize" but one must recognize that the NACOR has had long experience with the BIA's centralized/decentralizing activities.

No. 4. The basic affective tone of S. 2166 is very fine. NACOR feels that the bill is an extraordinary attempt to accomplish an extraordinary feat. The process of creating such an institution will have to include careful deliberation about the specifics of the role of the National Institute. The position of the NACOR at this time is that this National Institute emphasizes an educational, interpretative, and coordinating role.

The regents would be most reluctant to support a monitoring role for the newly-created Institute. Any relationship between this act and any other act could not be one of enforcement. There are other Federal agencies already created for this purpose. Rather than monitoring or enforcing—the NACOR position is that the national Institute through its various faculties and communities interpret what the relationship might be, insofar as those acts would affect the educational responsibility and institutional mission in relationship to the American Indian, Eskimo, and Aleut. These three roles—educational, interpretive and coordinating—would be consistent with the tone of the legislation and the position of the NACOR.

The next category is concerns of NACOR.

Concerns. The basic weaknesses of S. 2166 are in the areas of implementation. The Institute of American Indian Arts, which is the foundation for the National Institute of Native American Culture and Arts Development, is being institutionally and bureaucratically assaulted from every aspect. Under the present circumstances of mismanagement and benign neglect by the Bureau of Indian Affairs, the educational survival of the Institute of American Indian Arts is of grave concern to the NACOR.

This puts an extraordinary burden on the regents in defining their position on the bill because of the necessity to consider both the untenable present situation of the Institute of American Indian Arts and the future possibilities of the National Institute of Native American Culture and Arts Development. Nevertheless, the NACOR has made every attempt to be as objective as possible, considering their present role.

With this possible bias and ambivalence in mind, the NACOR's wish to present their concerns of S. 2166 under the following several areas.

No. 1. Definition of terms: The definition of Indian or native American is ambiguous.—(section 3, page 3, item 3, lines 1–4. Indians, Aleuts, and Eskimos have a unique status under treaties, laws, Executive orders, customs, traditions, and Supreme Court and other judicatory rulings. The term aboriginal inhabitant of the United States is so broad that it would include tribes not recognized by the Federal Government and it could include individuals who are not recognized by any existing Indian, Aleut, or Eskimo group.

Recommendation: The NACOR recommends then that the present definition of Indian and native American now used by the IAIA be the definition that is used to define Indian and native American under S. 2166.

The second concern is property rights and the concerns are these—(section 4, page 7, item M, lines 20–25 and section 4, page 8, item M, lines 1–5.)

Concerns: In these designated lines, it is difficult for the NACOR to determine what are the properties and the rights of property of the to-be-created Institute of Native American Culture and Arts Development. That is, what are the investments and endowments of the Institute of Native American Culture and Arts Development? It is also difficult to tell if the newly created Institute has the right to sue and be sued; to own, acquire, sell, mortgage, or otherwise dispose of property it may own or hereafter acquire; and to own and maintain unique properties such as a stock of restricted bird and animal parts under the endangered species category for now and in the future.

Directly related to "what are the properties and the rights of property" is the difficulty in understanding the role and responsibility of the board of trustees in the management of the property and property rights. It is not clear if the board of trustees, as trustee, can convey fee simple title by deed, convey by quitclaim deed, mortgage or otherwise dispose of any or all property, title to which is vested in the United States for the sole use of the Institute of Native American Cultural and Arts Development.

A further concern in relation to property rights is the question of the trustee role of the Institute in relation to art, artifacts, artists and craftsmen, individual trusts and investments.

Recommendation: The NACOR recommends that the property and property rights be clarified in terms of the Institute, the board of trustees, and special considerations such as past acts, investment purposes and acquisitions of art. The regents further recommend that a provisional clause be in the law that says:

> That the proceeds of any such disposition (of property as defined) shall be considered a part of the capital structure of the institute and may be used solely for the acquisition of real estate for the use of the institute, for the construction, equipment, or improvement of buildings for such use, or for investment purposes; but if invested, only the income from the investment may be used for current expenses of the institute.

The next area of concern is board of trustees.

There are three concerns to be considered under this category. The first concern is about the membership of the Board of Trustees. The regents' position is that the public and nonpublic status should be clearly defined.

The second concern is with the appointing role of the President of the United States in relation to both the public and nonpublic members of the board of trustees. There seems to be the possibility of inconvenient delays in conducting business when all appointments of both public and nonpublic members are from the President of the United States.

Under S. 2166, the Indian Arts and Crafts Board and the NACOR are not considered. The regents feel that a considerable body of knowledge regarding the role of boards of trustees in the arts and cultural area is not used when these two groups are ignored in the formation of the board of trustees. Both of these bodies have invested many years of activity in developing and maintaining the Institute of American Indian Arts.

Recommendations: No. 1. Seven public members of whom one shall be a U.S. Senator appointed by the President of the Senate; two shall be Representatives appointed by the Speaker of the House of Representatives; one shall be the Secretary of the Interior, or his designee; one shall be Chairman, National Endowment of the Arts, or his designee; one shall be the Chairman, National Endowment of the Humanities or his designee; and one shall either be the president of the World Craft Council, or his designee, or shall be from an appropriate office of the Cultural Affairs Office of UNESCO.

No. 2. Twelve other members, six of whom shall be elected by the NACOR in accordance with the cultural area and tribal representation, five of whom shall be elected by the Indian Arts and Crafts Board, and one of whom shall be elected pursuant to regulations of the board of trustees on nominations by the Institute of American Indian Arts alumni for a term of 3 years.

The public members of the board of trustees shall be appointed for a term of 2 years at the beginning of each Congress, shall be eligible for reappointment, and shall serve until their successors are appointed. The board of trustees shall have the power to fill any vacancy in the membership of the board except for public members. A majority of the board of trustees shall be a quorum to transact business. The said board of trustees, by a vote of the majority of membership, shall have power to remove any member of their body, except the public members, who may refuse or neglect to discharge the duties of a director, or whose removal would, in the judgment of said majority, be to the interest and welfare of said entity.

The next area of concern is the powers of the board of trustees.

The basic concern of the NACOR is that the powers of the board are not either clearly designated or the powers are delegated to roles such as the chairman of the board of trustees and the president of the Institute and not to the board of trustees as the final authority.

It seems to the regents that the powers should be vested in the board of trustees and the responsibility for carrying out the directives and wishes of the board of trustees are to be assumed by the chairman of the board of trustees and the president of the institute. Otherwise, there is too much power and responsibility given to two people.

A concern related to the powers of the board of trustees is that the NACOR finds that important and needed powers are not given to the board of trustees; therefore, the recommendations are these.

Recommendations: No. 1. Section 4, page 5(f) line 15: The words "in consultation" be changed to "at the direction of the board of trustees or in accordance with the wishes and decisions of the board of trustees." There needs to be a stronger language than mere consultation.

No. 2. It should be made clear that the president of the institute is an administrator, responsible to the board and that the board determines policy and function. The president of the institute is an ex-officio member of the board.

No. 3. The power of the board of trustees in relation to admission, instruction, care, and discharge of students needs should be more specific and legally defined.

No. 4. The power to confer such degrees and marks of honor as are conferred by colleges and universities generally, and issue such diplomas and certification of graduation as, in its opinion, may be deemed advisable, and consistent with its academic standards.

No. 5. The power to invest income sources, other than appropriations by Congress.

The next category is: Responsibilities of the board of trustees.

For the interest of the public and the credibility of the institute, there are two important areas that are not considered in S. 2166. Since the regents have had considerable difficulty with the BIA in getting data in these areas, the NACOR wishes to be sure there is a prescribed manner of settlement of accounts and a prescribed manner of detailed annual reporting.

Therefore, the Recommendations are: No. 1. All financial records shall be settled and adjusted in the General Accounting Office.

No. 2. The institute be required to make annual reports to Congress.

The third area is problems of transition. There is much anxiety among the regents regarding the transition period. The areas of concern are:

No. 1. The time factor is critical. Due to the BIA-imposed constraints of shared space, of limited student recruitment, of a hostile educational environment, and of a prolonged period of stress on the faculty and students, the NACOR is highly desirous of moving with speed. At the same time, the regents must consider the institute as an institute of the future as well as an institute for the present.

No. 2. There is no stated site in S. 2166. There are data from the friends of the institute in Santa Fe, from the Zuni, and from the Navajo, that do indicate that Santa Fe is an appropriate culture and arts area, but the regents want greater confirmation from the State of New Mexico and the various communities of New Mexico that they want the institute and are willing to support and be loyal to such a unique institute. This institute is to be national and international in scope and the regents are reluctant to recommend subjecting the faculty and student body to further stress and hostility. Faculty are to teach and students are to learn. Far too long, IAIA faculty and IAIA student body have been fighting for the right to teach and learn, fighting for a place to teach and learn, and fighting for the time to learn and teach.

No. 3. The regents wish to comment on the appropriation: Section 8. It is impossible to carry out the purposes of S. 2166 with a $4 million appropriation.

With these concerns in mind, the NACOR makes the following recommendation:

That the time factor of transition and the appropriation be related to definite phases of accomplishment of the purposes of the act. The first year of operation of the new institute should be a time of both board and institutional organization.

The final concern of the regents is there is no disclaimer clause. Our recommendation, therefore is: All other laws and parts of laws or of the charters heretofore granted, as amended, which are in conflict with this act, are hereby repealed.

Thank you.

Senator MELCHER. Thank you very much, Helen, for a very constructive and detailed set of recommendations on the bill. It is this type of testimony that is extremely helpful to the committee in refining the bill before us. So we are very much indebted to you and to the rest of the regents, and I can assure you that we will take your recommendations very seriously into consideration as we move forward with the bill.

Senator Domenici.

Senator DOMENICI. I, too, want to congratulate you for your analysis. I think you have raised some very good points, not only technical and legal in nature, but the thrust of your concern about the past are excellent, in my opinion.

I think you have been extremely generous when you talk about the benign neglect that has occurred in years past, with reference to the Indian Arts Institute. I think everyone has seen the results of that. You saw them. They existed. It was deplorable that this institute, from an early start, the one we are speaking of, not the thrust of Indian culture and arts under Senator Melcher's bill, but that this institute that started off with such a glorious goal and such a commitment ended up in the condition that it was last year and the year before that and the year before that.

Now, on the last page, you indicate that Santa Fe is the appropriate site for an institute that would be related to Senator Melcher's bill, which has much broader scope than just an institute. I wholeheartedly agree with you that Santa Fe is the appropriate place.

But then you proceed to say that there has to be a confirmation of a commitment, you say, on the part of the State of New Mexico and various communities, that they want the institute and are willing to support it. I hope that that statement did not intend to say that the past failure, of the so-called benign neglect that caused the institute to go to the low state that it was in, was not because of lack of local commitment. Did you intend that? I mean in the past. I am not talking about the future.

Dr. REDBIRD. I clarified that because the only data that the regents have in relation to support for the Institute of American Indian Art in this area has come from the organization of the Friends of the Institute in Sante Fe and from the Zuni and from the Navajo.

The press has not been friendly. I have to say with some concern that it has not always been possible to get a hearing in New Mexico, that there has not always been a warm reception in relation to our concerns from the New Mexico legislature. It has been necessary, sometimes, to go there when we would feel that that is unnecessary.

So we do have some concerns about the environment in New Mexico.

At the same time, we recognize that it is a unique cultural setting. It is an area that has fostered and developed many outstanding Indian and non-Indian artists and the regents are concerned with: What are the possibilities of economic development, arts development? What are the potential of relationships into land sites? What changes are going to happen in demographic data in the State of New Mexico?

All of those things are of concern and so we are still very much open to look at the data. But we are data oriented and that is why the statement is in there in the way that it is.

Our data do indicate it has been a hostile environment.

Senator DOMENICI. Well, Mr. Chairman, I think that is absolutely untrue. If one wants to trace the failure of this Institute and wants to pin the blame on anyone—and I do this reluctantly—but I am going to say, to place an Institute such as this, postgraduate in nature, under a Bureau of Indian Affairs and then to expect them basically to run it with the kinds of difficulties that you have in the postgraduate education, it is doomed to failure.

The only reason it succeeded for the first few years was because it had the full thrust of a Presidential endorsement. It was promised by Senator Kennedy and it was created in that manner with a lot of national significance, and then in the typical fashion, it was turned over to the Bureau of Indian Affairs and they are here. They know of my great respect for them, but they know that it is almost impossible for a Bureau of Indian Affairs, with the kind of management skills they have developed over the years, to run a postgraduate institute in arts and culture.

And I think that while I greatly respect our visiting witness and her organization, I do not believe the lack of support in New Mexico has played a significant role in the failure of this Institute to succeed. Perhaps it will become irrelevant because if we can get your bill passed, we will have a completely different thrust in terms of policymaking, assistance in terms of how it should be run from the board of trustees and, hopefully, they will have some of the views of the regents as to how you run an institution.

But I do not think I could let the record stand that the State of New Mexico is not supportive. I do not want to get into an argument but I must make that statement.

Dr. **Redbird**. That is the kind of confirmation that the board is interested in. When you are willing to go on a public record and say that you do affirm and confirm that particular position, that is what we are interested in. That is what we are asking for.

And so when it is possible for the Senators from New Mexico to do that, then that is the kind of confirmation that we want.

Senator **Domenici**. Well, I appreciate that. Mr. Chairman, I do not want to take any more of your time but I am going to say, once more, while I support your bill, and I am a cosponsor, I will not support significant new appropriations. I will not support additional staff of people to run an Indian Arts Institute, be it under your bill or existing, vague law, unless it has some policy direction outside of the Bureau of Indian Affairs where it has a chance of succeeding as a postgraduate institution. I am not picking on them. I will say that about every postgraduate or vocational institution, that we in the Congress have charged them with running.

I do not think SIPI is working, and I think Haskell is about to go under, and I just do not think the Bureau of Indian Affairs can run those kinds of institutions.

So I want to make my position clear. I will support wholeheartedly an institute developed under Senator Melcher's thrust, much broader in scope, with a chance of serving the Indian people instead of just having a multimillion dollar campus with the BIA struggling for a few niches here and there of staff and no real direction.

And I do not choose to make this record one that we will fill with past failures, but I assure you, Senator Melcher, if there are those that come to this hearing saying it has been a glorious success, then I would ask you to hold another hearing and I will bring evidence everywhere from GAO on down that it has not, at least for the last 5 years.

Thank you very much.

Senator **Melcher**. It is very appropriate at this time to refer to the testimony of Acting Assistant Secretary Lavis, made on March 25 of this year, the testimony he gave at the House Interior Appropriations Committee, when the Assistant Secretary testified that the Institute of American Indian Arts should be transferred out of the BIA, so that the Bureau of Indian Affairs could focus on elementary and secondary education.

So I think we are going the same route, including the Assistant Secretary, in getting it out from under the Bureau of Indian Affairs.

Helen, I have one somewhat technical question. In the definition of "Indian or Native American," our language is broad and we would like to refine it. But in refining it, we have to keep in mind that the committee has already passed—that the Senate has agreed to—a bill that would bring another State, another one of our 50 States into consideration as Native American, and that is the Native Hawaiians.

And so I wish you would refine your suggestions on this definition in such a way that we do not leave out Native Hawaiians.

Dr. **Redbird**. The regents will take that under consideration and then will send you what changes they support or what changes they do not support.

I have here the actual definition of the one we use at this time in relation to the Eskimo, Aleut, and Indian. And if you want that, I can give you copies of that. But I cannot state a position that the regents have not taken at this time, and they have not, but we will be willing to consider it and we will mail it to you.[1]

How much time would we have to get it to you?

Senator **Melcher**. Well, you will have at least 30 days.

Dr. **Redbird**. 30 days?

Senator **Melcher**. Yes. I might announce at this point, too, that our hearing record will remain open for 30 days at this particular hearing. There will be other hearings around the country and throughout the country, but we will keep this initial hearing record open for 30 days.

Thank you very much, Helen.

Dr. **Redbird**. Thank you very much. And I do not want it to appear as if I am leaving too early, but I do have a plane to catch, and thank you for allowing me the opportunity to testify here today for the record.

Senator **Melcher**. Thank you. Our next witness will be the pueblo governors, and the first pueblo is the Taos pueblo.

Mr. **Richard Romero**. Mr. Chairman, I would like to introduce my honorable governor, Adam Trujillo, from the pueblo of Taos, Tribal Secretary Allen Martinez, and Lieutenant Governor Benny Mondragon, and I am Richard Romero.

Senator **Melcher**. Welcome to the committee. Please proceed.

Mr. **Romero**. Thank you.

Senator **Domenici**. Mr. Chairman, I wonder if you might grant me just 1 minute before this testimony to explain my schedule.

Senator **Melcher**. Certainly.

Senator **Domenici**. Governor and members of Taos pueblo, and other governors and interested people, Senator Melcher is aware of the fact that I have to leave very shortly. I have to be back in Washington early this evening. My schedule tomorrow is slightly different than our chairman's.

We start the budget tomorrow and I am on that committee and have worked on it and so I hope you will understand that I must leave. I will read the record that you produce for the committee and will, in terms of your ideas, and not only yours, Governor, but those of all the other pueblos and the people here, I will be interested in it and before we make the final decisions, I, as one Senator, will follow up with further communications.

Thank you very much and I hope you will understand.

Senator **Melcher**. Thank you, Senator.

STATEMENT OF ADAM TRUJILLO, GOVERNOR, TAOS PUEBLO; ACCOMPANIED BY RICHARD ROMERO, TAOS TRIBAL ADMINISTRATOR; ALLEN MARTINEZ, TRIBAL SECRETARY; AND BENNY MONDRAGON, LIEUTENANT GOVERNOR

[Mr. Trujillo's statement was given in his native language and translated by Mr. Martinez.]

Mr. **Martinez**. Mr. Chairman and members of the Senate Committee on Indian Affairs, my name is Adam Trujillo. I am the governor of Taos pueblo. I, my tribal council, and my pueblo are opposed to S. 2166 as it denies the pueblo people their right to use the underutilized facility here in Santa Fe, N. Mex., for the education of their children. The Native American Indian Culture Act, S. 2166, is so broad that it provides for institutionalization of Indian dances, language, songs, and "rituals."

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[1] Not received at time of printing.

Mr. Chairman, the Taos pueblo Indians are very traditional people. We do not want the Congress, the Bureau of Indian Affairs, or any other Indian interference, attempting to teach our culture and tradition to anyone. We are of the strong belief that the things which you are attempting to address in S. 2166 belong in the pueblo community and in the pueblo home. Taos pueblo art, culture, and tradition are deeply religious to our people and we do not want the Congress or any other national board to have anything to do with it.

Second, we have nothing against Indian art or your attempt to provide a school to teach basic art education. We do oppose an art school which has a per pupil count in excess of $17,000 per year.

We do not approve of an Indian art program in a facility which is less than 50 percent utilized. We also seriously question whether one single national art institute is the answer, or whether a regional concept would be better.

In other words, perhaps the Sioux want such a school, but the Pueblos do not; perhaps the Northwest tribes would like such a school. We strongly believe that such a regional concept may be integrated into existing programs within these geographical areas, under local control and be less expensive and less wasteful.

Considering the fact here at the American Institute of Indian Arts over the past 15 years, no one can support the waste, no one can justify continuation of such a program, in the hope that more money and more space will provide for more students and a better program.

In conclusion, Mr. Chairman, if you or Congressman Yates want to build a monument to Indian art and culture, we wish you well, but please do not attempt to do so at the expense of a sound basic education for our children.

If the other tribes want such a school, please let them tell you, and let them tell you where and how such a school should be run.

As for Taos Pueblo, we want the Santa Fe Indian School to have complete use of this campus as soon as possible and we want you and the Congress to stay out of our culture, our tradition, and our arts.

Thank you.

Senator MELCHER. Thank you very much. The next pueblo will be the Santo Domingo Pueblo.

Mr. ATENCIO. Mr. Chairman, Benny Atencio is my name. I am the tribal secretary for the pueblo of Santo Domingo. With us in the stand here is Governor Reyes Quintana; Lieutenant Governor Santiago Coriz; Councilman Seferino Tenorio; education committee chairman, Mr. Benny Star; and Councilman Felix Calabaza. We also have several other councilmen sitting in the back and I would also like to have them recognized for the record: Mr. Lawrence Calabaza, Mr. Domingo Atencio, Mr. Joe Chavez, Mr. Joe B. Reano, and two officials of the tribe, Alex Balone and Mr. Garcia, Nick Garcia.

[Governor Quintana's prepared statement was read by Mr. Benny Atencio, tribal secretary.]

STATEMENT OF REYES QUINTANA, GOVERNOR, PUEBLO OF SANTO DOMINGO; ACCOMPANIED BY BENNY ATENCIO, TRIBAL SECRETARY; SANTIAGO CORIZ, LIEUTENANT GOVERNOR; SEFERINO TENORIO, COUNCILMAN; BENNY STAR, CHAIRMAN, EDUCATION COMMITTEE; AND FELIX CALABAZA, COUNCILMAN

Mr. ATENCIO. Thank you, Senator Melcher, for this opportunity to present our views on the proposed Native American Culture and Development Act, S. 2166.

My name is Reyes Quintana. I am the governor of the pueblo of Santo Domingo. I would like to welcome you to this great Pueblo country. I hope you will have a pleasant visit here. It certainly is an honor to be afforded an opportunity to assist you in your work to help our Indian people. There are many areas we would like to see you and other Members of our great Congress consider, for our problems are many.

We are especially thankful that you have taken this time to hear our position on this new bill you are proposing, before it goes any further, for we find it a very threatening bill. It is a threat to our way of life, our culture, and religion.

We find, while the intent may be well founded, the results will be devastating if permitted to develop as proposed in this legislative proposal.

Perhaps you have heard the pueblo of Santo Domingo being referred to as the most conservative tribe among the Pueblos. It may be true, but it is probably the most conservative tribe among all the Indian tribes in this country.

As such, we have maintained our art, our tradition, our language, our religion and, therefore, our culture. We do not need an institute for this, for ours is not just learned. It is a total way of life. In fact, for the most part, our primary means of livelihood is dependent upon the production and sale of our pottery and turquoise and silver crafts.

Even this has been exploited because of failure of the Federal Government to protect us by controlling the importing of imitation crafts.

One way of preserving what is truly ours is for the Government to protect us by not permitting such things to occur. What we truly need is for the Congress to fulfill its trust responsibility toward us. We have never, and do not now, need an institute. However, we are not against an art institute for those tribes and individuals who are desirous of such a facility—just as long as they do not infringe on our tradition and culture such as we have come across on some occasions with some of the Institute of American Indian Art students.

In 1962, our tribe, along with the All Indian Pueblo Council, objected to the closing of Santa Fe Indian School and the opening of the Institute of American Indian Arts program in Sante Fe. Our objections were based on the fear that others would try to exploit our culture and tradition. Today, we see that this has come true.

The tribe has always encouraged the cooperation among tribes and individuals toward common goals. We have welcomed all who come to visit our people and pueblo. We have always only asked that they respect our way of life. It is this same respect for our way of life that we ask of you here today.

The pueblo of Santo Domingo strongly opposes the passage of S. 2166 in its present form, especially when the essence of the bill is to institutionalize our language, history, customs, belief, rituals, and all that is dear to us.

In closing, we would like to make some recommendations.

No. 1. That you delete section 3 where it refers to Indian art and culture, which include all the other aspects of culture.

No. 2. That if an art institute is desired, it include only arts and crafts and not involve itself with the other aspects of culture.

No. 3. That such an institute be established in a location other than the present Santa Fe Indian School campus.

No. 4. That if a board is established to oversee the institute, it be represented by not only contemporary Indian artists, but include traditional tribal representatives.

Senator Melcher, Mr. Chairman, thank you for the opportunity to present our views. I would like for you to give time for my councilmen to further express our views.

Senator **Melcher**. Since time is very limited, if you have any other points to make, please make them very succinctly and quickly.

Mr. **Tenorio**. Yes, Mr. Chairman, thank you very much. The governor has basically covered the concerns of our pueblo and I believe they reflected much of the concerns of a majority of the other pueblos.

My name is Seferino Tenorio. Having served as lieutenant governor of my pueblo, I have become a tribal councilman and am a tribal council member there.

I am also currently the vice chairman of the Albuquerque and Santa Fe Indian Schools Board of Education. I will speak on behalf of the tribe as well as the Indian school.

As the governor has expressed, it certainly is an honor to have you come hear what we have to say about what you refer to as the development of Native American Indian culture and art.

It is very unfortunate that others who have made similar proposals do not see fit to seek such consultation as you have here today. I am, of course, referring to Mr. Yates and H.R. 6850.

I would like to further commend you on your fine articulation to the Senate of the United States for your concern for Indian art and culture. We agree wholeheartedly with the premise on which these concerns were founded, and like the governor has stated, I am sure they are well founded.

There are, however, some basic misconceptions which need to be clarified and I would like to briefly speak to those. We agree, Mr. Chairman, as you have stated in your message before the Senate, that the artistic and cultural heritage of this Nation has been influenced by many societies, peoples, and countries.

Yet, the United States has only one genuinely native art form and cultural heritage and that is derived from the Indian people. What makes it genuine, Mr. Chairman, is its uniqueness. What makes it unique is that it has survived for centuries even in spite of the continuous erosion to which you also referred. It has survived because it is not just part of our life. It is a way of our life. Ours is a living culture, where language, religious custom, traditions, cultures, music, and even art are integral to it all.

You speak about preservation and revitalization and dissemination of Indian art and culture. In our way, each time a child is born to our tribe, our culture is revitalized. As he or she grows our culture is disseminated.

And in this way, it is preserved.

To you and others who do not fully understand our way, our tradition and customary practices are referred to as rituals and, sometimes, even theatrical performances.

Yet, in every one of these, there are even prayers for you and others in this world.

Only we who practice it can understand the full meaning of our culture. Only we can therefore preserve it and maintain its vitality, and we have for several centuries.

How, you might ask, do we do this? Let me provide an answer by speaking about another concept that only as recently as 1975 did the U.S. Government see fit to make a Federal policy and law, and that is Indian self-determination.

I am sure you, being from the great State of Montana, are aware of the classic histories Indian people have had with the U.S. Government as well as other governments before it. My understanding of that history sends me to think that once upon a time the policy and goal of your ancestors was one of the destruction and complete riddance of Indian people from these lands. When this failed, the policy turned to one of assimilation. But, still, the destruction of Indianness was necessary and thereby the destruction of culture was prevalent.

This, too, failed, and then there was the policy of civilization, of civilizing and Christianizing the savages. Again, they have elements of destroying our culture.

Yet our culture lived on. After all else failed and the Federal Government realized what it was doing to the native people of these lands, there was a brief period of Federal Indian responsible relationship whereby certain rights and guaranties were reached in order to end conflicts. This was the era of treatymaking whereby the Federal Government committed itself to certain responsibilities and obligations, including education and welfare of Indian people.

Even in the attempt to educate the Indian, there remained continuous attempts to eradicate any of the traces of Indian culture. For example, Indian children were taken many miles from their homes in order to separate them a great length of time from their families, so that they may forget their culture. Here, we were cut short among each other by many miles and with some of our children, the Indian children speaking the native language, which was important, it was forbidden. Then there was a period of termination, a termination policy from the U.S. Government when the Government no longer wanted to live up to its responsibilities and its obligations.

The results for these tribes affected were very grave. Throughout all of this, however, our Indian culture has persevered. I attribute that perseverance to the fact that Indian self-determination was born not in 1975 but when our very existence was first printed many centuries ago.

It was Indian self-determination that served and preserved our Indian culture, and now it seems that it is someone else's concern to preserve Indian culture that is threatening Indian self-determination.

We have here a school that is contracted for, under the Indian Self-Determination and Assistance Act of 1975. It is a school that we all believe in and are proud of. It is a school run by Indian people for Indian students.

There are many things we are doing here that we feel are very successful and exemplary. We have enough obligations and problems relating to just running the school. We do not need and cannot afford any political obstacles such as clearly contained in H.R. 6850 which stresses its intent on getting us out of Santa Fe Indian campus. We hope that such isn't the intent of S. 2166 also.

Earlier in our discussions regarding this, there was some reference made that if this problem continues, the concern was that it would disrupt the education of the Institute of American Art students who, incidentally, numbered very few and which Institute was poorly managed to the point of becoming very detrimental to those very few students. Even H.R. 6850 acknowledges this.

Now, there is a more viable argument. As you look around at the attendance at the Santa Fe Indian School and this school here, the American Indian Art School at Santa Fe, you will see that prolonging this problem at the school, as far as affecting us, would certainly disrupt the progressive Indian growth of our 400 to 500 students. It makes educational planning difficult for those of us who have to do so, especially with the limited funding that we have had from the Federal Government. This also needs to be improved.

So, Mr. Chairman, in regard to S. 2166, we strongly believe that the preservation, revitalization, and passing on of our culture can only be done effectively and justly if it remains in our hands. It will certainly continue to be eroded and exploited if left in the hands of others who do not fully understand and appreciate its meaning. We are not alone in this belief, as you will evidence. We have several pueblo tribal resolutions which represent sovereign governments. You will hear various views of individuals, but they do not necessarily represent tribal government views or tribal views.

In conclusion, I would like to agree with one of your other statements, and that is, "The unique aspects of American Indian culture and artistic contributions must be treated with great concern and sensitivity."

This was well stated. However, I would like to add and emphasize one other thing that the Governor has alluded to in his statement, and that is, it must also be treated with respect for it is what makes us who and what we are.

Thank you, Mr. Chairman, for the time.

Senator MELCHER. Thank you.

STATEMENT OF BENNY STAR, CHAIRMAN, SANTO DOMINGO EDUCATION COMMITTEE

Mr. STAR. Mr. Chairman, members of the committee, governors, my name is Benny Star. I am the chairman of the education committee, Santo Domingo. I am also the chairman of the five Pueblo education committees, which represent Cochiti Pueblo, Santo Domingo Pueblo, San Felipe Pueblo, Santa Ana Pueblo, and Sandia Pueblo.

I would like to refer in my comments to my daily contacts with educational institutions; Head Start, preschool, secondary, postsecondary.

I think the initial commitment by the U.S. Government can be appreciated in providing our Indian people the education of which I think all of us know. It is in demand at the present and the basis on which our society exists—by the complex world, by the technical situation that we are in today.

What I want to point out is the most important resource we have and the needs of those resources. The resource I am speaking about is our young people and providing them with the foundation which would carry them through life, and that is the academic education.

This, we need to realize, is most important. The technical—technicalities, the procedures of Congress, bills—that can be remedied.

But young people should be now serviced with the best possible education from whomever, whether it will be bureau schools, public schools, Head Start, college, universities. I think all of us know that today we are not up to par, educationally, because of problems created through policies, regulations within the Federal and State governments. We cannot subject our young people to that type of a detriment to their educational process.

I want to point out that the present situation, the housing—the adults and the young people on the same campus—is detrimental. It is an unhealthy situation. It just has to be realized.

The most important thing is for those young people to continue with their bringing up in Pueblo communities which they are taught to respect. They are taught to leave or to stay away from things that will hurt them; alcoholism, for instance; drugs. These are actual things that need to be considered now. Not when it is too late for some of those young people. Now is the time.

I think there has been a misconception, where Indians are concerned, by the non-Indians. Yes, we are Indians; we are tribes. But we are not all alike. After time immemorial, each tribe was given a language, a culture to practice, a religion to enjoy. Some have lost it. For the Pueblo Indians, all those things are intact.

Now, our culture cannot be applied to Montana Indians or to Dakota Indians, for instance. Our cultures are all unique and can only be practiced by us within our tribes.

When you speak of Indians, people tend to believe that all of us have the same language, all of us have the same cultures, same procedures, same religion. It is not true. There are more than 200 languages within the United States, more than 200 cultures to practice by the intertribes.

We, of New Mexico, can be proud to say we have preserved our culture, our language, and we are going to continue to practice that which was given to us. We are going to protect those gifts which were given to Santo Domingo Pueblo.

We need your support, Mr. Chairman, to give us the serious consideration for our young people and where our young people and our tribal members are concerned. We are very concerned. We want the best possible education for our young people.

Today, we are living in a technical world. Academic education is what we are asking for. Arts and crafts are taught at Santo Domingo from the time they are 5 or 6 years old. They know what arts and crafts are. They can make arts and crafts when they are at that age. We teach arts and crafts right at home.

We need the academic help from you people.

Thank you.

Senator MELCHER. Thank you very much, Mr. Star. I want to thank the Santo Domingo Pueblo for your testimony. Thank you very much.

I am going to make an announcement now that we will all understand.

We have eight more Pueblos scheduled for testimony this morning. We have, beyond that, 10 other or 12 other witnesses. It will be necessary that we conclude the testimony of the eight other Pueblos that are testifying this morning, plus one other witness.

The time remaining for this morning in the hearing will allow no more than 10 minutes for each of the witnesses. I will have to enforce that. Our hearing record is open, of course, for further testimony that is written. But we cannot conclude our witness list today unless we fashion our time for the witnesses, and in fairness to all the witnesses, we have to recognize that.

The next Pueblo is the Pueblo of San Juan.

Mr. ARCHULETA. Good morning, Mr. Chairman.

Senator MELCHER. Welcome to the committee.

STATEMENT OF ANTHONY ARCHULETA, LIEUTENANT GOVERNOR, SAN JUAN PUEBLO

Mr. ARCHULETA. Thank you. Although my tribal council could not come, they sent me here to express their concern.

My name is Anthonly Archuleta. I am the lieutenant governor of the San Juan Pueblo.

Thank you, Senator Melcher, for giving us the opportunity to present testimony on S. 2166, the Indian Cultural Development Act that you have introduced in the U.S. Senate.

On behalf of the tribal council and my people, I want to say at the outset that we strongly support the efforts of the All Indian Pueblo Council to obtain complete utilization of the Santa Fe Indian School campus for the education of our children.

S. 2166 basically denies our children a safe and adequate education in a facility which has gone underutilized for the past 18 years, I am sure, with much waste and mismanagement that transpired over these years.

Today, there are less than 100 students of American Indian arts—IAIA students—who live on this campus at a per pupil cost in excess of $17,500 per year.

Many of the same people who are responsible for this mess are now parading across the country, attempting to safeguard art.

We realize that your efforts are sincere, but we also realize that the individuals who drafted the bill do not understand Pueblo culture. I wonder if those individuals understand their own culture. I wonder if those people do have a culture.

Our ways and our principles are at a detriment and our kids are the ones who will suffer the consequences.

S. 2166, as we understand it, will institutionalize Indian dances, songs, languages, and rituals. We cannot allow this to happen. Our culture and traditions have survived similar efforts by the Spanish and the Mexican Governments.

Why on Earth would someone want to institutionalize a culture, a tradition that does not belong to it? I wonder why.

We ask that if there is to be a national art school, please build such a facility elsewhere. Do not preserve the waste of programs for American art students at the expense of our children.

We have demonstrated our ability to run a first-rate educational institution. We now ask you to allow us to continue our success.

As you have seen, the Santa Fe campus was never built for an art school. It was built for a high school and should remain one. Those who suggested that a high school should be built are simply overlooking practical facts that are unrealistic.

In our estimation, it would be far less expensive to give any students who want to be artists a full scholarship to be at the best art school in the country. After all, a true artist can create, no matter where he or she may be.

I thank you, Senator.

Senator **Melcher**. Thank you. The next Pueblo is Cochiti Pueblo.

STATEMENT OF JOHN M. BOWANNIE, GOVERNOR, COCHITI PUEBLO; ACCOMPANIED BY TOM HERRERA, JERRY QUINTANA, AND JOE QUINTANA, COUNCILMEN

Mr. **Bowannie**. Mr. Chairman and members of the Senate Select Committee on Indian Affairs, I would like to thank you and your counterparts for giving us the opportunity and courtesy and respect in making the effort to hear our position on this very important issue.

My name is John M. Bowannie, governor of the Pueblo of Cochiti.

And today, I have with me several of my councilmen. To my left, Councilman Jerry Quintana. To my right, Tom Herrera and Mr. Joe Quintana.

Chairman Melcher, with the Pueblo governors who have spoken before me, I too am opposed to S. 2166, for it is very clear that the intent of the bill is to legislate approximately 300 Pueblo, Navajo, and Apache children out of the Santa Fe Indian School.

Second, my tribal council and my people cannot, under any circumstances, support any effort which would institutionalize or allow the teaching of Pueblo tradition, culture, dances, language, or "rituals," by non-Indians or Indians from any other part of this country.

We are even opposed to teaching these things in a classroom setting. My people and I are not opposed to Indian art or to art education. However, we cannot support the waste and unrealistic conditions which continue to exist at the Institute of American Indian Arts.

You have but to tour the campus to see that this facility was built for a high school for approximately 500 students. You have but to check the records for the past 5 years to see that over 50 percent of the facility has basically laid in mothballs because of low enrollment.

Due to that low enrollment, we continue to have a per pupil cost which exceeds $17,000 per student.

How can you allow this to continue?

There are other points which could be raised in regard to S. 2166, but let me conclude by simply saying that for the past 5 years we have been made to believe that Indian self-determination and local control over the educational destiny of Indian people would be the mandate and objective of the Federal Government and the Indian people.

Today, the whole controversy in regards to our efforts to control the educational future of our children has been created not by other tribal governments but by a handful of individuals who do not represent tribal governments but, rather, their own private interests.

Unfortunately, the Congress has been misinformed and misled to believe that there is a massive grassroots support for expenditure of millions of dollars on a program which could easily be relocated in an existing postsecondary educational institution.

Mr. Chairman, I hope that you and the other members of the U.S. Senate will not force us out of the Santa Fe facility. For in the long run, such a solution will only destroy and hurt the national art concept and, most certainly, it will damage the Pueblo governments and their people, culturally, socially, and economically.

On behalf of my people, I ask that you build a national art school somewhere else and leave this facility for the education of our children.

Thank you very much and I would like to have this testimony be made a part of the record.

Senator MELCHER. It is part of the record.

Mr. BOWANNIE. Thank you.

Senator MELCHER. Thank you all very much.

Next is the Picuris Pueblo.

STATEMENT OF VICTOR MARTINEZ, GOVERNOR, PICURIS PUEBLO

Mr. MARTINEZ. Senator Melcher, welcome to Pueblo country.

Senator MELCHER. Thank you.

Mr. MARTINEZ. I hope you like the country.

Senator MELCHER. I do.

Mr. MARTINEZ. My name is Victor Martinez and I am governor of Picuris Pueblo. Since we do not have very much time to get this straight, I will point out what my people like and what my people want out on the reservation. First, we as a tribe support all the efforts of the All Indian Pueblo Council to gain complete control of the Santa Fe Indian School and to educate our children.

This school was ours for many generations past, before we were put out. This school was ours for many generations.

Our people told us that the Bureau of Indian Affairs had been told not to close our school but, as usual, they did not listen. They went on ahead and closed it, without notifying us or our tribal council or our people.

It hurt our feelings because I went to school there and it was a good school and we had our art school there. Each Pueblo had people who were teachers there and they taught us how to go by and about, how to do this and that. Other school kids had their way of learning to be a mechanic and other departments had the skills of teachers there to teach them in the way of this and that, about what it was put there for.

We never wanted the Institute of American Indian Arts, so-called IAIA. We Pueblo people do not need that. We do not need a white man to come here and teach us about our culture, about Indian arts. We already know that, Senator. I hope I am not hurting your feelings on that.

Other Indians are very skillful in their arts, too, from other States. They have their way of learning. They have their culture. They know their side of their language. They are good artists, too.

We, in New Mexico, are a small people. This school was built here for our children, to teach us, to learn more about white man's education as this world is coming to be. You have to learn to get there.

If other tribes need an art school, maybe there are a lot of other places like in Albuquerque at the SIPI. That is a good place there. An art school could be built there.

The bill which you introduced, S. 2166, I understand it was suggested to you by Indians. These people were—the Indians, whoever wrote that—do not understand Pueblo culture. I do not know if they know their own language or their culture, so to speak.

And you and the Congress want to save the Indian arts for the Indian people. But you get us out of this school, out of this campus—Sante Fe. And to top that off, public schools will open up for Indians, and the public schools took the Indian children in and let the Indian school go idle for a while. That is where, every time we let a Senator, a politician, or a BIA in to "save" the Indians, we lose land one way or the other. We get hurt, Senator. When this happened, Indians were turned against Indians.

I have seen the school here, the so-called IAIA. In one of these many meetings that we had here, we took a tour of the buildings.

We went on a tour up to the boys building, which was on the second floor. The first floor belonged to the girls. Between the girls building—girls dorm and the boys—there are trash cans there. Sticking out of the cans were a bunch of empty liquor bottles. A lot of that firewater was being consumed by the people living there.

And those are old people. They are professionals. They know what to do. They know the facts of life. They have been way up there already.

We have the young people down below there that are going to be enticed if they are not being already. That hurts. We do not want that to happen to our young people.

These old people that are already postgraduate, they have their way of learning already. They could go somewhere else and learn instead of, sort of like enticing these young people, these high school, junior high schools students.

So they live together there. We have seen them together there, with liquor.

What happens? That firewater has a lot of kick. I know, because I have been through that road. That was years ago.

So that part stinks. It sure makes the art stink on that part.

Pueblo art had been with our people a long time before white men came. We do not have to go to an art institute to learn our art. We already know how. We already have it. Pueblo art and culture will be here tomorrow and it will be here long after the art institute is gone.

Like I said before, if other Indian tribes need an art school, why don't you build them one somewhere? They are experienced people. They already know their art.

Mixing the young ones and the old ones, it is very hard to make a go of it.

And I hope, Senator, you will see it. You ought to take a tour in this school—or maybe they prepared it for you to see the good stuff. It hurts to see that going on. I hope from here on, with the bill, it will be put aside. It is this bad stuff that is going on that is hurting our people.

With this hearing, I hope it will come out for the best for us.

I thank you, Senator.

Senator **Melcher**. Thank you very much, Victor.

Next is the Pueblo of Santa Clara.

STATEMENT OF PAUL TAFOYA, CHAIRMAN, SANTA CLARA PUEBLO

Mr. **Tafoya**. Good morning.

Senator **Melcher**. Good morning.

Mr. **Tafoya**. Mr. Chairman, I have a short statement to read, and this statement was thought of because of the way we feel and how strongly we feel toward the Santa Clara Pueblo Indian arts and culture itself—we have strong feelings toward our language, our traditional beliefs, and our rituals that take place within the tribe. And, second, because of the feelings we have and the concerns we have of the present IAIA and the Santa Fe Indian School relationship. With these two things in mind, we prepared this statement. I would like to read from it at this time.

On behalf of the Tribal Council of Santa Clara Pueblo, I am in full support of the position of the All Indian Pueblo Council and fully support the comments and statements made by fellow governors from the various Pueblos. I know that it is difficult for the Congressmen and perhaps even you, Mr. Chairman, to readily understand and grasp the essence and the import of what we are saying here today.

I wish that you and other Senators could have the same opportunity that Senator Pete Domenici has had to witness and see on a day-to-day basis the strong culture, tradition and religious life of our Pueblo people.

Pueblo art has strong significance. It is not a commercial product to be sold for profit or to be prostituted and exploited like we have seen happen to much of the Indian arts and crafts.

For this reason, I and my people totally object to teaching any aspect of our culture and tradition in any institute.

Second, I, too, must reiterate the opposition of my people to S. 2166, for it clearly is intended to drive our excellent high school program out of the Santa Fe facility. I cannot believe that the U.S. Congress is willing to render such a judgment against a people who seek nothing more than to improve the education of the children.

This facility historically belongs to New Mexico area tribes, and it was the same special interest group who suggested to shotgun the basic education programs and force us out in the cold in 1962.

We cannot allow this to happen again.

If Mr. Yates and his committee are so interested in promoting and preserving national Indian art education programs, then I submit that there should be an equal resolve to build a first-rate facility to house such a program.

I am willing to support such an effort, providing that the Indian people and the Indian artists of this country want such a facility and provided that they have a voice in the administration of the facility rather than Presidential appointments and/or Washington bureaucrats who know little or nothing about our Indian culture.

I thank you, Mr. Chairman. That is all I have.

Senator **Melcher**. Would you identify yourself, please?

Mr. **Tafoya**. Sorry. My name is Paul Tafoya, the chairman of the Santa Clara Pueblo Tribe.

Senator **Melcher**. Thank you very much, Paul.

Next is the Santa Ana Pueblo.

STATEMENT OF CLYDE LEON, ADMINISTRATIVE OFFICER, SANTA ANA PUEBLO

Mr. **Leon**. Good morning.

Senator **Melcher**. Good morning.

Mr. **Leon**. My name is Clyde Leon. I am the administrative officer.

First of all, I would like to apologize for my officials and the Governor not being here because they are doing what we call a community ditch work.

No. 1, I would like to pinpoint that the tribe of Santa Ana is opposed to the art institute due to the fact that we have had no one enrolled there, even from the opening of the art institute. The tribe does not feel that it is right because we do our own culture training at home. It is almost like automatic.

Therefore, the Tribe of Santa Ana is opposed to the art institute here. The tribe has always felt good here at Santa Fe Indian School, which it used to be. They still want this school to be an Indian school. We are lacking in the educational field and that is the interest that the tribe has. The tribe does not have any objections to the art institute if it is put somewhere else. The tribe will support that for other Indians, nationwide, who do not have the same opportunity we have.

Senator, that is all the statement that I have.

Senator **Melcher**. Thank you very much, Clyde.

Next is the San Felipe Pueblo.

STATEMENT OF JOSEPH V. SANCHEZ, GOVERNOR, SAN FELIPE PUEBLO

Mr. **Sanchez**. We are the delegates of San Felipe Pueblo. To my right here is Lt. Gov. Robert Velasquez. And to my left here is Lieutenant fiscale, Anthony Ortiz, and a member of the tribal council James Tenorio. We have a prepared statement here but we will be submitting another statement after we make some corrections here, Mr. Chairman.

Senator **Melcher**. That will be fine, Governor.

Mr. **Sanchez**. Mr. Chairman and members of the Senate Subcommittee on Indian Affairs, I am Joseph V. Sanchez, governor of the Pueblo of San Felipe.

Thank you for allowing us to address your committee concerning your bill, S. 2166. It is most appropriate that you come to our pueblo area to hear us out. We cannot express our feeling of concern that S. 2166 conveys, as it relates to our traditional and cultural stability. We strongly oppose the bill, basically because it will deny my children the educational facilities they are entitled to, the educational facilities that our parents and grandparents utilized.

Most importantly, this bill would create unnecessary problems regarding the exploitation of our culture and tradition. We consider any attempt to teach or convey by any means that which we consider our salvation an intrusion into our private religious rights. The lives of my pueblo people from the first contact with the Europeans has been coexistence of suspicion where it involved Indian religious pursuits.

The reason we have prevailed in continuing our religious pursuits is that we have guarded it closely and will continue to do so with all intensity. It is in this vein that I am opposed to any attempts of institutionalization of my language, songs, and rituals. I cannot visualize anyone so brazen in intent to run roughshod over objections that are made with all candor and purpose.

Mr. Chairman, my colleagues whose testimony you have heard and will hear are made to convey to you that our right to determine our destiny is ours alone, under the Self-Determination Act. We have made advances in education commensurate to our abilities. We are proud of our progress. To sidetrack our pursuits in education will be a blow akin to genocide. We can go into detail and give you our reasons for our stand. That is supported by inquiries, audits, and activities that have been made for the record. We choose to let reasonable men make reasonable decisions, based on the weight of the testimonies.

Our priority at this time is to equip our children with basic education skills that is a prerequisite of other pursuits that come after completion of high school. We are not opposed to Indian art or art education. If other tribes want a facility to house such a program, we will support efforts to make this a reality, providing however, a new location and moneys are especially earmarked to build such a facility.

We thank you for this, Mr. Chairman. And as I indicated, we will submit our testimony to you, an added testimony in this regard.[1]

Senator **Melcher**. Thank you very much, Joseph.

As I announced earlier, the hearing record will be open for 30 days and we do welcome additional testimony.

Mr. **Sanchez**. Thank you, very much.

Senator **Melcher**. Thank you all very much.

The next witness is from the Jemez Pueblo.

STATEMENT OF JAMES R. MAGDALENA, TRIBAL COUNCIL MEMBER, JEMEZ PUEBLO

Mr. **Magdalena**. Mr. Chairman and members of the Senate Select Committee on Indian Affairs, my name is James R. Magdalena and I am speaking for my governor, Joe A. Sando. I am from Jemez Pueblo.

On behalf of the tribal council of Jemez Pueblo, I speak in opposition to your well-intended but poorly written legislation.

My tribal council is astonished and angered at the attempts that are being made by some Members of Congress to deprive the Pueblo people of self-determination and force us to accept the cancerous element within our backyard. How many times must we tell the Congress and the Bureau of Indian Affairs that we are tired of the politicians and the bureaucrats trying to save us from ourselves? It seems that each time the Indian people have a proposal which makes sense and is practical, someone within the Government or from a special interest group will always find reasons to oppose it.

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[1] Not received at time of printing.

We have no intention of depriving other Indians, who may be less fortunate than we are, of receiving an education in Indian culture or in receiving an education in art. But as a matter of priority, my people strongly believe in a sound basic education for our children. Cultural and artistic talents are taught in the homes. Our homes, our dances, and our music is the last remaining aspect of our lives which has not yet been exploited. These are integral parts of our religion.

My tribal council cannot understand why a Congressman 2,000 miles away is so insistent upon kicking my children out of the school which has been historically ours. I cannot understand how a handful of individuals who call themselves Indians can challenge their weight of tribal opinion which supports our position.

Last, we cannot understand why the Eskimos must come to Santa Fe to learn art, why the Sioux come to Santa Fe to learn art. We are saddened by some of the things that we must say in order to get our points across. However, for the past 1½ years, we have tried every means that we know of to convince Mr. Yates and the Bureau of Indian Affairs that we are not out to destroy Indian art. We only want what is rightfully ours.

Therefore, Senator Melcher, if it is to be an art institute, then you should build such a facility somewhere else. Leave Pueblo art and culture to the Pueblo people, for our art and culture and our tradition has survived the Spanish and Mexican Governments, and we will outlive all efforts by anyone to interfere with that aspect of our lives.

Thank you.

Senator MELCHER. Thank you very much, James.

Now, we will hear from the chairman of the All Indian Pueblo Council, Del Lovato.

STATEMENT OF DEL LOVATO, CHAIRMAN, ALL INDIAN PUEBLO COUNCIL

Mr. LOVATO. Mr. Chairman, members of the committee. For the sake of time, I will be very brief.

As you have witnessed this morning, the attitude and certainly the feeling of the majority of the Pueblo governors is very strong in regards to any interference with the cultural aspects of Pueblo communities.

I also feel one other point is very worthy of making before this committee, and that is that while we thank you for the well-intentioned bill, as pointed out, in S. 2166, I think it is important to note that the purpose and the intent to a large extent in terms of preservation and protection of art and culture has already taken place, and is taking place, and will take place, within the Pueblo communities themselves.

We like to pride ourselves in the fact that our culture and our tradition remains intact, and I think that is a tribute and that is certainly justification for the position that has been announced this morning.

Before I conclude, I think it is also important, Senator, to basically summarize what at least 18 of the 19 Pueblo governors have continually said over the past year and a half, and that is:

No. 1: We are not opposed to Indian art. We are not opposed to any effort by any organization or the Congress to provide for the preservation and promotion of Indian art.

We are, however, resolved to continue our efforts to provide the best educational opportunities for our childern. We strongly feel that the present program which exists under the name of the Institute of American Indian Arts can be salvaged, can be improved, and can be relocated without damaging the national intent or the integrity of the original sponsors of this program.

We feel that this facility was never meant as an art institute. It was never built or designed as an art school, and it is important that if we are to have a national effort for a national art program, that it be first-rate institute.

But let us not jump the gun, Senator. I think it is important that we lay out a plan, that before we undertake such a venture, that we make sure that the Indian community in this country wants such a facility, that the Indian artists themselves want and desire such a facility.

That, to me, and to the majority of the Pueblo people, has not yet been done.

No. 2: that if such a facility is built, Senator, that there be tribal governmental input, that there be Indian artists input into a board of regents, into a structure designed to administer such a facility.

And, last, that these same people, the tribal governments and the Indian artists have an opportunity to have a say as to its location, as to its design. This position that we have presented there this morning, Senator, is in line with the position that was adopted by the executive council of the National Congress of American Indians.

I am hopeful that the comments and recommendations that were made here this morning will have an impact in terms of rewriting and redesigning certain portions of S. 2166.

We stand ready to assist you and the other tribes in this country in providing for a first-rate art institute. We also stand ready to provide and assist this committee in working with the Congress, in providing the necessary data or assistance in determining the need or the wishes and desires of tribal governments in this country.

We have nothing against Indian art, Senator, and I am sure that point, hopefully, will be laid to rest. But as a matter of priority, my people have a strong sense of conviction and responsibility to many young children—thousands of young children—who are right now, many of whom are taking the easy way out because they have no alternative. They are dropping out of school. We are trying to provide an alternative for them.

We strongly feel that there are existing facilities which can, at a very reasonable expense, provide for the continuation and improvement of what we now know as the Institute of American Indian Arts. That concludes my statement, Senator.

Thank you very much.

Senator MELCHER. Well, Chairman Lovato, I welcome the very sincere testimony of the Pueblos who have testified this morning and very much welcome your testimony.

However, I want to make it clear that what the bill provides for is a national goal and is more in the line of searching for and recording and preserving Indian art, Indian history, and Indian culture for the benefit of the entire country. Hopefully, we will be joined in this endeavor by other countries in this hemisphere that share the variety and the ancient heritage that is common.

It is so diverse among the Indian people of this hemisphere and yet we have done very little to search, record, and preserve it. When we look at the Smithsonian, as great an institution as that is for this country, you cannot help but notice the lack of Indian art and demonstration of Indian culture. And it is a bad spot. It is a bad mark for the country as a whole that we have not stepped out and gone forward with this oldest of all American heritage, which is locked within the background and the history of the Native Americans of this hemisphere.

Now, the purpose of the bill is not to interfere with the practice of Indian religion, not to interfere with the culture of the Pueblos, but to the extent that the Pueblos are willing, to share with us their roots, their history, their culture, that goes back so many, many hundreds of years—thousands of years. That is what the bill is about.

It is unfortunate, in the eyes of the Pueblos, that we are mixed up in who occupies this particular campus. That is, as I said earlier, at the start of the hearing, not the purpose of the bill. We are not so hardhearted as to crowd Indian students off this campus, unless they want to go to another facility. The actual physical facility of providing the central focal point of our expanded effort on behalf of searching and recording and preserving this Native American art and culture is not the principal part of this bill, nor is it, mind you, teaching.

Perhaps there will be some teaching evolving or evolved from it, but it is not the central point and it is not the principal part at all.

As so many of you have eloquently pointed out, the Pueblos—the teaching began with the early youth of the children and is a family process. It is a growing-up process and is a continuous process through the life of the individual Pueblo Indians; that is something entirely separate from what the bill proposes to do. To disseminate, to provide access to that part of Indian culture that Native Americans are willing to share with the country and with this and all the other countries of this hemisphere, is principally the goal of this bill.

Thank you very much, Governor.

Mr. Lovata. Thank you, Senator.

Senator Melcher. Our next witness is Lloyd, or more correctly, Mickey Old Coyote, secretary of the Crow Tribe Historical and Cultural Commission, Crow Agency, Montana.

STATEMENT OF LLOYD OLD COYOTE, SECRETARY, CROW TRIBE HISTORICAL AND CULTURAL COMMISSION

Mr. Old Coyote. Thank you, Senator. I have a prepared statement here. I would like to read a little bit of that.

Mr. Chairman, members of the Select Committee, people present, my name is Lloyd Old Coyote, a member of the Crow Tribe of Indians of southeastern Montana. Currently, I serve in the capacity of secretary of the Crow Tribe Historical and Cultural Commission.

This commission is a recognized entity of the Crow Tribe Council, established by a council resolution. The commission members are selected and appointed on the basis of their knowledge of Crow Indian culture and history. Each member is appointed for a lifetime.

Mr. Tommy Big Lake, chairman of our commission, is with me, delegated by our tribal chairman to be in your presence for this hearing.

The Crow Indian Reservation is an area of approximately 2½ million acres located in south-central Montana. It is the home of approximately 6,500 members of the Crow Tribe. About 1,200 members live away from the reservation, though some of those who live nearby spend considerable time each year on the reservation.

The Crow Indian Reservation is rich in Indian history and perhaps one of the last strongholds of Indian culture in its own setting. The activities in our daily life are still traditionally Crow, reflecting many of the customs and practices handed down for many generations. We are proud of this rich Indian heritage which influences our everyday activities where this lifestyle complements the cultivation of the dominant society practices of today's world.

Our learned tribal elders informed and shared with us that the Indian lived intimately and close to nature. He was observant of the natural world. He acquired his knowledge and his lifestyle through nature. He believed that a supreme being had designed this for us to enjoy and appreciate, and that Supreme Being we refer to as God.

Crow Indian culture, taken as a whole, constitutes both a thorough statement and a thorough lesson in Crow Indian philosophy, worldview, spiritual guidance, social customs, and the individual's place in this entire scheme. It discourages indulgence of social misconduct.

Crow moral values address character-building devices, a positive kind of social control. They offer help and guidance in the area of personal and psychological growth. They offer religious instruction. They impart knowledge. They help to instill leadership qualities. They develop group morale, strengthen cultural pride, and they offer enjoyment and appreciation. Desired and fine qualities such as manners, politeness, and other respectable qualities are shared and applied for a harmonious way of life. The family is the beginning for this training, refinement, and development of mind, morals, and values that we still share and cherish.

The Indian culture has suffered much in the past. Misunderstanding and misinterpretation from the dominant society was the result of this undesired experience. They are too institutionalized in their view of other cultures. They treat these other cultures as less genuine and less pure. As a result, some degree of Indian culture violations have occurred. The movie and TV industries are prime examples of this type of violation. Cultural parasites have emerged, thriving successfully at the expense of Indian cultures and values. As a result, the Indian has an image to live down.

There were laws passed at one time that affected him adversely toward his cultural practices—the Endangered Species Act and others that were mentioned here previously. There are more, but I want to get back to the concepts of S. 2166. Perhaps the enactment and promulgation of this bill will promote the development of native American Indian art and culture and the provisions will complement the American Indian Religious Freedom Act, Public Law 95–341, and, also, the Archeological Resource Act.

With this bill, I am optimistic that the suppression, infringement, and harassment of the Indian cultural practice are a thing of the past.

In the areas of archeology, we experienced some degrees of vandalism and disturbance to some of our sacred sites. This type of action and occurrences are adverse to Indian beliefs. Indians, themselves, know of many archeological sites throughout their domain but do not disturb them or abuse them because of their respect and reverence for such sites. Some of these sites are believed to have sacred mystic powers. Others are visited and interpreted by our learned tribal elders. In our area, the legends of the Little People in the Pryors, are still shared among the Crow people today. Offerings are left there for good luck whenever Crows venture into the Pryors.

Many of our landmarks, mountains, and rivers are named after Crow legends and stories. The Big Horn River is one such story, or one example. Another is the story of the seven Big Horn sheep—there are stories about them as well as individual Indian names.

Some archeological sites on the Crow Indian Reservation are rich in history and legend, and we are also making tentative plans for onsite interpretations of siege sites, buffalo jumps, teepee rings, and other points of interest. With this idea, we are making plans toward a cultural center, for all these things could also be interpreted as more of a cultural-resource-type thing. Perhaps the research center, as well as a cross-sharing of the things that we have, addresses cultural development. This idea is to help us gain the knowledge of the past for ourselves, for our young people, as well as for all levels of scholars. And there are also evidences of pictograph art, you know, which was a common form of communication among Indians, prior to the advent of the European race.

New discoveries in our area by anthropologists and archeologists, of ancient Indian occupation sites, pose more questions than answers. We, as Indians, disagree with some of these theories.

Every culture has a beginning story and the Indian culture is no different. Our cultural practices and beliefs originated on this continent and it deserves the same recognition as other cultures of the world.

Indian culture and art are indeed fields of knowledge and, to me, this should be recognized as such among other fields of study and perhaps this could expand and also even extend into a doctorate program, where Indian knowledge could be shared among the Indians themselves.

The Indian culture is not a dead culture but a living culture, very rich in its significance. The Indian people have assisted many scholars in acquiring their degrees further. So why not, for the Indian, based upon his own knowledge and cultural experiences, perhaps an acceptable standard and criteria should be established and designed by thoroughly versed Indian people toward an Indian doctorate program.

Public members could serve on this Institute, wherever it may be, and I have heard some adverse statements regarding it here in Santa Fe, but I have no idea on that. Perhaps whoever serves on the Board should be selected on the basis of their Indian background and perhaps a relationship between the Institute and any museum of art in the United States could provide an opportunity for cross-sharing of Indian culture and art among the Indian people, as well as other levels of scholars.

There is a wide diversity of Indian cultural practices, language, customs and others among the many Indian tribes throughout the United States. This will give us an opportunity to do some cross-sharing.

With that, Senator, I am an advocate for Indian culture, with its measure of rich experiences, rich significance and merits of social qualities and things along that line. For that reason, I support and encourage the enactment of the Native American Culture and Arts Development Act.

Senator MELCHER. In the examination of pictographs—for instance, in the case of "On the Bluffs of the Bighorn"; as of right now, there is no correct identification of what the pictographs relate to, is there? Can they be demonstrated, or is there knowledge of the tribe or any scholars who have examined, pinpointed the time frames when the pictographs were painted?

Mr. OLD COYOTE. As I indicated earlier, some of those archeological sites on the reservation have some historical background and some of those caves do have stories about them.

There is one, in particular, down in what we call—not too far from what they call the Bouvier area, one that they consider as having adverse mystic powers. The Crows still believe in it, that particular area. There is a pictograph area down there, you know, that they visit.

Senator MELCHER. Who has examined some of these pictographs? Has the Smithsonian ever examined any of them?

Mr. OLD COYOTE. There are a number of archeologists that have come in, you know, and some who have worked with the Park Service and so forth have come in and they have made some studies.

One, in particular, I know, has been around in that area. His name is Dr. Larry Lorendorff. He has made studies of that area and has some theories about buffalo jumps that were very closely related to Crow stories, as well as "Little People of the Pryors."

Senator MELCHER. Have these studies been conducted at the invitation of the tribe and with the cooperation of the tribe?

Mr. OLD COYOTE. It was not really an invitation. I think it was more of a cooperation type move. They wanted to know about these areas, so we accompanied the archeologist into that area.

Senator MELCHER. And so far the studies that have been conducted and the investigations that have been conducted, have been satisfactory as far as the Crow Tribe is concerned?

Mr. OLD COYOTE. Well, there are a few minor changes that we would like to make, you know, like some of those theories. For instance, in the dominant society practices, as far as for counting the generation, 22, 25 years is considered as one generation; whereas, in the Indian world, one generation is considered as 100 years.

Senator MELCHER. One hundred?

Mr. OLD COYOTE. Yes.

Senator MELCHER. Now, what about the preservation of these sites? Once people begin to know about them, uninvited investigations, or just viewers might damage a site. How has that been controlled?

Mr. OLD COYOTE. Well, we were apprehensive about really talking about some of these areas because, like I say, the Bighorn Mountains, Pryor Mountains, all of these have a lot of rich significance behind the Crow Indian culture and we feel that—like I indicated to you about some vandalism that has gone on—this is the area that we are quite concerned about.

The Crow people are aware and know of these sites and they don't disturb them. But as far as sharing and conveying information, learned tribal elders have interpreted some of these sites and I think it should be controlled by tribal people.

Senator MELCHER. I would agree. All right. Thank you very much, Mickey and Tom, for your meeting here today.

Mr. OLD COYOTE. OK, thank you for your time.

Senator MELCHER. Now, the committee will stand in recess very shortly. Chairman MacDonald of the Navajos and Mrs. MacDonald have arrived and will be added to our list. Wanda is already on the list.

Here is an announcement for everybody here. Lunch is made available in the cafeteria at the courtesy of the All Indian Pueblo Council. Students are available to guide people to the dining facilities and all are invited to participate in lunch at the cafeteria.

The committee will recess now and will resume at 1 p.m.

[Whereupon, at 12 p.m. the hearing recessed to reconvene at 1 p.m.]

AFTERNOON SESSION

The hearing resumed at 1 p.m., Senator John Melcher (chairman of the committee) presiding.

Senator MELCHER. The meeting will come to order. We will resume our hearing on S. 2166. The first witness this afternoon will be Dan Salaz, executive director, Indian Arts and Crafts Association in Albuquerque.

Mr. SALAZ. Senator, I am the executive director of the Indian Arts and Crafts Association. Mr. Ken Denton, one of our national committeemen, will present our remarks to you today.

Senator MELCHER. Mr. Denton.

STATEMENT OF KEN DENTON, NATIONAL COMMITTEEMAN, INDIAN ARTS AND CRAFTS ASSOCIATION; ACCOMPANIED BY DAN SALAZ, EXECUTIVE DIRECTOR

Mr. DENTON. Mr. Chairman, before reading our prepared statement, I would like to tell you very briefly who we, the Indian Arts and Crafts Association are.

We are a national nonprofit organization made up of the entire spectrum of the native American arts and crafts industry. And this includes native American craftsmen and artists, museums, collectors, wholesalers and retailers of native American Indian arts and crafts. Our stated goal is to protect, enhance, and preserve American Indian arts and crafts and we are willing to do whatever we can in pursuit of this goal and this is our prepared testimony.

Since the early 1970's, we have seen a renewed interest in the only truly indigenous American cultural tradition in the form of Indian arts and crafts.

Americans, as well as people all over the world, have come to appreciate Indian arts and crafts for their beauty, their unique place in the American cultural mosaic, and for their increasing value as art objects. We have also seen our Government take interest in Indian arts and crafts after many, many years of what can euphemistically be termed benign neglect. That our Federal Government should interest itself in the preservation, protection, promotion, and enhancement of Indian arts and crafts is a welcome opportunity to reverse years of neglect and at times serious efforts to obliterate rich and flourishing Indian cultures.

However, it is wise to examine the role that the Federal Government or any of its instrumentalities would play in the field of Indian arts and crafts and how it views Indian arts and crafts. As a starting point, it is difficult to consider art of any type in a vacuum. This is especially true of Indian arts and crafts. The factors that come together in the creation of Indian arts and crafts must be considered. The social, historical, philosophical, religious, and even geographical factors that converge to produce Indian arts and crafts must be carefully considered.

Before deciding on any course of action, our national Congress should be made fully aware of as many of the things that affect Indian arts and crafts as possible. The ramifications of congressional action should be carefully scrutinized and analyzed for their effects, not only in the near future, but for their effects upon the coming generations. The social patterns of the artists and the craftspeople who produce authentic Indian arts and crafts must be examined, for it is here that the subject under discussion really begins, with an individual human being.

As with most other people, the socialization of native Americans begins with the family. However, a major point of divergence occurs with socialization for native Americans after that which takes place in the family. The socialization of a native American child continues but within the protective parameters of tribal life and tribal tradition. Institutional socialization occurs, in many instances, later in life and at times is difficult. Therefore, it is of prime importance to recognize that Indian arts and crafts are products first of the individual but also of the family and tribal unit. The dynamic streams of Indian creativity have traditionally been channeled through the family and the tribe. The creation of organizations, indeed bureaucracies, outside of the family and tribal context to promote Indian arts and crafts must be handled with care.

Institutionalizing arts and crafts for native Americans may do more harm than good if adequate provisions for family and tribal traditions are not made. An institute, school, university, or other large organizations that wishes to promote Indian arts and crafts should first recognize the dynamics of the family and tribe. If the proposed institute will, as an important part of its total mission, strengthen the family and tribal functions that occur in Indian arts and crafts, then it will be a valuable service. Conversely, if the proposed institute assumes for itself the focal position in promoting Indian arts and crafts, then it is programing itself for failure and detriment of Indian arts and crafts.

The proposed Institute should assume the responsibility for assisting and encouraging tribes, families, and individuals so that Indian arts and crafts may continue to flourish. The historical relationship of the U.S. Government to things native American has been one of ineptitude, confusion, and ignorance. Ineffective Indian policies promulgated by distant officials in Washington have caused much grief and suffering to Indians and non-Indians as well.

The historical approach to the Indian issues has been to study the question and then to create a bureaucracy to handle whatever tasks need attention. Often, these Indian-related bureaucracies have not been responsive to the needs of their constituents. Many times the very mechanisms that were created to serve Indians excluded Indians from the decisionmaking process. Our Congress should take heed to see that this is not the case with the proposed Institute and its means of governance. The preponderant majority of those in control should be native Americans. They in turn should be responsible and accountable to their constituents.

It is also of historical significance to realize that arts and crafts throughout the ages have been largely the product of individuals. It is as impossible to create a piece of beautiful art or craft through a committee as it is to legislate it into existence. However, it is possible to legislate the preconditions that will promote and enhance Indian arts and crafts. The philosophical aspects of Indian arts and crafts have traditionally emphasized the individual in relation to the family, the tribe, and the natural or mystical world.

As previously mentioned, the individual has always been of key importance in Indian arts and crafts. There are as yet no schools of thought recognizable among Indian artists and craftspeople although family and tribal influences are clearly discernible. It is wise to insure that the proposed Institute will not attempt to shape the creative thinking of its resident artists, craftspeople, and other scholars but to provide the setting where the creativity can occur.

The present Institute of American Indian Arts has been criticized for impinging upon the religious beliefs of several Indian tribes. As guaranteed by the Constitution, the separation of church and state and the free exercise of religion should be incorporated into the proposed Institute. The Institute should not undertake any course of action that will violate the religious beliefs of any of the native American peoples it will serve. It should involve itself in religious activities, as they relate to Indian arts and crafts, only after consultation with the leaders of affected tribes. This is not to say that the proposed Institute should not be concerned with religious themes. Those themes should be handled in the proper manner to insure that religious beliefs are not violated and that the separation of church and state is maintained.

Mr. Chairman, since the Indian Arts and Crafts Association is a national organization with members across the country, we recommend that the proposed institute have a truly national scope and perspective. As there is no one homogeneous group of Native Americans, there is no one ubiquitous form of Indian arts and crafts. Various parts of the Nation produce different types of work.

The verdant forests of the Pacific Northwest have a far different effect on Native American populations there than the vast arid spaces of the Southwest have on indigenous Native Americans.

These differences, due to geography, should be recognized and be provided for in a truly national institute. Indian arts and crafts are as diverse as the people who make them. It is the nature of this diversity that has made Indian arts and crafts a national cultural treasure for all Americans.

As to the location of the proposed institute, the Indian Arts and Crafts Association believes that all those concerned will be well served if the recommendations of tribal leaders are sought and followed.

Mr. Chairman, thank you for the opportunity to present these concerns to you and the other members of the committee.

Senator MELCHER. Mr. Denton, your association is a commercial association, I take it?

Mr. DENTON. We are a national nonprofit organization and we are made up of craftspeople—Indian artists and craftspeople, people who deal commercially in Indian arts and crafts, museums and individual collectors of Indian arts and crafts.

Senator MELCHER. Then none of your association members have anything to do with commercialization or sales?

Mr. DENTON. Yes; we do. Yes; we have categories of memberships containing wholesalers of American Indian arts and crafts and retailers of American Indian arts and crafts.

Senator MELCHER. Does the association do anything to protect Indian arts and crafts from imported duplicates, beadwork for instance, from Taiwan?

Mr. DENTON. Yes; we do. The primary function and the primary reason that the organization was established in the first place was to deal with unethical practices in the Indian arts and crafts industry. And we have an active ethics committee and the code of ethics is probably one of the primary things that we live by.

Senator MELCHER. Who polices your wholesalers, for instance?

Mr. DENTON. We are self-policing.

Senator MELCHER. And no instances or no members of your association that are in the retail or wholesale business promoting or selling such replicas, if I can use that term, of American Indian art that was imported from countries that do not have any basis for Indian art have been reported?

Mr. DENTON. There may be a little misunderstanding here in that we do not tell anybody what they can sell or what they cannot sell. But we do stand for true and honest representation for whatever it might happen to be.

Senator MELCHER. Then some of your wholesalers could be selling those products?

Mr. DENTON. Nonauthentic art?

Senator MELCHER. Right.

Mr. DENTON. Yes, and representing them as such.

Senator MELCHER. Well, I think you understand what the bill is about and, of course, it is much broader than the retail-wholesale type of operation, and while your association has some of all of these, including artists and museums, you are also much broader in the other aspects of it, in the retailing and wholesaling of the products.

But I think you understand the bill properly and we appreciate your remarks and I might just say in passing that we do not need to incorporate in the bill any constitutional prohibition against interfering with religion because all the laws of Congress are based upon the Constitution anyway.

Thank you both very much.

Mr. SALAZ. Thank you, Mr. Chairman.

Senator MELCHER. Emerson Jackson, president of the Native American Church, Shiprock, N. Mex. Is Emerson here? If he shows up later, we will hear from him but, apparently, he is not here now.

Wanda MacDonald, Mrs. MacDonald, Navajo tribe, Window Rock, Ariz.

Welcome to the committee, Wanda.

STATEMENT OF WANDA MacDONALD OF THE NAVAJO TRIBE, CHAIRPERSON, NAVAJOLAND FESTIVAL OF THE ARTS

Mrs. MacDonald. Thank you.

Mr. Chairman and members of the Senate select committee, I am pleased to have the opportunity to appear before you today to speak in support of S. 2166, the Native American Culture and Arts Development Act.

I am Wanda MacDonald, as you know, from the Navajo Tribe and as founder and chairperson of the Navajoland Festival of the Arts and as an Indian, I have special reason to be here today. I know the importance of arts and culture to all people and especially to America's Indian people.

It is through our arts and our culture that other Americans first learned of the contributions and heritage of the Indian people of this country. It is through our arts and crafts, our culture that we are able to open the eyes and ears of the American people and, in the large sense, the people of the world, to the contributions of the Indian people of this country to this Nation's history and heritage.

For too long, efforts to promote Indian arts and culture has been scattered in various public and private agencies. As a result, there has been needless duplication of efforts while many areas of great importance to the Indian people have never been dealt with at all.

This haphazard treatment of the Indian arts and culture has frustrated many of us who have worked diligently to bring about a deeper appreciation of Indian art and culture, both by our own people and by the country as a whole.

The establishment of an Institute of Native American Culture and Arts Development under the direction of a board of trustees, as set forth in S. 2166 will continue to provide a central location and a central establishment for Indian arts and culture. This is not to say that arts or culture ought to be centralized.

The purpose of the Institute of Native American Culture and Arts Development is not to prescribe the form in which art or culture should take place but, rather, to deal with the administrative problems which have for too long prevented the development of Indian arts and culture.

Further, the best ideas in the world, the most imaginative in art and culture, will be lost forever unless there is a method of translating ideas into reality. This translation of ideas into reality will be the function of the Institute of Native American Culture and Arts Development.

I also note that the board of trustees is to be composed of 19 members, appointed by the President, who are widely recognized in the field of Indian art and culture. This is another important positive aspect of this proposal. It is not enough merit to create an institute. One must have a board of trustees which will be able to implement the purposes of the act. I have every confidence that the President will appoint such individuals as well as bring this idea to life and give meaning and reality to this proposal.

I would like to detail briefly some of our own activities in the Navajoland Festival of the Arts so that you might have a better idea of the efforts already underway to promote Indian arts and culture. The Navajoland Festival of the Arts is a three-part summer youth arts program which provides opportunities for reservation youth, ages 5 through 21, to develop their talents and interests in music, art, and drama.

Every year the festival conducts daily classes through June and July to help them to develop and to see and work with established American Indian artisans and professionals. We offer music lessons, all aspects of drama and theater with actual play production, and work in all media of art.

There are so many naturally talented Indian youth, and unless we provide the encourgement and the means, they may never pursue or realize their talents. In the 5 years we have been in operation, we have seen so many successes that we feel the necessity for an institution of higher art education, which purpose the proposed institute will serve.

I am here today not only to give my personal support for this proposal, but to express the support of the Navajo Nation. As America's largest Indian tribe, the Navajo Nation has a special interest in this proposal.

For most American people, their first awareness of the Navajo Nation has come from our arts and culture. People learned of Navajo weaving, silversmithing, and sandpainting long before they became aware of other aspects of the Navajo Nation and our people.

As a people whose own history intertwines with the development of arts and culture, we have a special concern for the establishment of this institute.

We appreciate the chairman of this committee scheduling hearings today in Santa Fe, as well as the opportunity to offer this testimony.

I'd be happy to answer any questions you may have. Thank you.

Senator MELCHER. Wanda, first of all, just referring to the last part of your statement—when you say people learned of Navajo weaving, I do not know how many cowboys are indebted to Navajo blankets or saddle blankets, but I want to tell you, as a veterinarian, there are an awful lot of horses that are indebted to the Navajo blankets because it is truly a sign of quality and good care of the horse for every cowboy who would have a Navajo blanket.

Getting back to the Navajo Festival of the Arts, you start quite young, at the ages of 5 through 21, and you do it in the summertime; is that right?

Mrs. MACDONALD. Yes; every year from June through July.

Senator MELCHER. Now, my understanding in visiting with you during the lunch hour is that you bring to the festival some Indians who have excelled in the arts.

Mrs. MACDONALD. Yes, we do.

Senator MELCHER. Would you describe that for the record, please?

Mrs. MACDONALD. We recruit throughout the countryside for Indians who either will be established in their profession or who are professional actors, singers, musicians, artists, whatever.

For instance, we have R. C. Gorman come down and he conducts classes and works with the children. We have Jimmy Abeita and Fritz Shoulder, who have supported us for years, and Iron Eyes Cody comes out every year and works with the children in some drama workshops; then he does a public performance for us. And Buffy Saint-Marie has supported us all along, and we have Dennis Weaver and Wayne Newton who support us, and a lot of other Indians in the different arts who come out and work with the children. Because we feel that if the children see them, themselves, and they know that they have it within them, all these talents that they are afraid to work at or get out, they see these Indians who have excelled and they know that they can, too. And it has really done a lot of good.

We have experienced a lot of successes. We have one young man from the Shiprock area who had just painted around very little at home, and when we discovered him, put him in our program, we could not keep enough canvases in front of him. He was so prolific and he was so good. And we had an art show. Right after the festival, a lady from Denver came down, and the first one she saw of his, she paid him $100 for it and he was just amazed and really happy. He was really happy, especially to know that he had something that came from within him, that someone else was willing to pay money for.

And I think overall, this is what will make them contributing good citizens no matter where they live and where they go to school. This is the main point of helping them to develop their arts and culture.

Senator **Melcher**. In the bill, as currently drafted, believe me, we have the public hearings to improve on the bill and to revise it. In setting up the board of trustees, which would guide the activities and chart the course, the 19 members are appointed by the President. But we incorporate in there some of the people and the Federal agencies; for instance, a representative of the Smithsonian Institution and the Secretary of the Interior or his designee, and the Secretary of Education or his designee, and then the Chairman of the National Endowment of the Arts or his designee, and also the Library of Congress or its designee.

Now, these are, of course, institutions within the Federal Government that have something directly to do with the outcome of the activities of the board of trustees, but there are 12 members appointed by the President who come from private life who have had some recognition, or more correctly, who are widely recognized in the field of, Indian art and culture, and know that all 12 of them could be Indians. But the bill requires that a majority, at least, be Indian.

And as we go along in the hearing process, we start from that point, but we are open for suggestions, if that is the way to form the board of trustees. How does it strike you?

Mrs. **MacDonald**. Well, I think that the first position that it names, the Secretary of the Interior, is not—I do not think it necessarily needs to be the Secretary of the Interior because that is, again, the head of the BIA who has kind of been the problem all along.

But I think that perhaps if it were a Senator named in that position instead, I think that would serve us a lot better, because that is what he is in office for. He is elected to that office to serve the people.

But I think some of the other choices like the Chairman of the National Endowment of the Arts and the National Endowment for the Humanities are very appropriate and, especially, the 12 who will be named from the public and who are recognized in the field of Indian arts and culture, I think that is very appropriate.

Senator **Melcher**. Well, we want to be sure that when the bill requires those 12, that they provide for appropriate regional tribal representation on the board, so I think that is rather significant. But as far as you are concerned, you would drop the Secretary of the Interior or his designee?

Mrs. **MacDonald**. Yes, sir.

Senator **Melcher**. Well, we are flattered that you think that a Senator would be all right and we will think about that.

Thank you very much, Wanda.

Mrs. **MacDonald**. Thank you.

Senator **Melcher**. Our next witness is Bob Charlow, president of the student senate of the Institute of American Indian Art here in Santa Fe.

STATEMENT OF BOB CHARLOW, STUDENT SENATE, INSTITUTE OF AMERICAN INDIAN ART, ACCOMPANIED BY JIM TAMEO, STUDENT; AND DIANE SVARNY, SECRETARY-TREASURER, STUDENT CENTER, INSTITUTE OF AMERICAN INDIAN ART

Mr. **Charlow**. My name is Bob Charlow. I am a Kalispel, K-a-l-i-s-p-e-l, from Washington State. I want to thank you for the chance to address you today. Why don't you introduce yourselves?

Mr. **Tameo**. I am Jim Tameo from Washington State. I am a student, Senator.

Ms. **Svarny**. Diane Svarny. I am an Aleut from Unalaska, Alaska, and I am secretary-treasurer of the student center.

Senator **Melcher**. Welcome to the committee, all three of you.

Mr. **Charlow**. I would like to begin my statement with the beginning of this school year.

At the beginning of this school year, an unusual situation greeted us, the students of the Institute of American Indian Arts. A wrong has been done us without our knowledge. The AIPC had the approval of Forrest Gerard, a former lobbyist of AIPC to invade our campus. Even before the school year started, the word was out: No first-year students would be accepted at the Institute.

This statement was retracted, but not down to the level where students could come to the Institute.

After 3 weeks of the school year, the National Congress of American Indians was held in Albuquerque, N. Mex., in 1979. We had 3 weeks to prepare for this situation and the students made the difference, the only student organization represented at that convention.

Back then, our motto was, "Truth and fact," and both were on our side and also were our allies. The odds were against us but a resolution was passed.

A major effort was made to stop us. I am proud to say that I am one of the few of the so-called handful of saviors of the arts.

Then a little while after that, things calmed down and, again, we were called into action. I was sent up to Spokane, Wash., to the Northwest Indian Education Association. That is where I appealed for tribal and local Indian club support.

But our main reason was to expose the situation for what it really was. The tensions, the harassments, and the takeover and destruction of our facility.

Some of the people up there were blind, as many others are still. We are still trying to expose the situation for what it is and make people more aware of the situation here and what we all stand to lose, or gain, depending on your point of view.

Then the National Indian Education Association convention was held in Denver, Colo. There, we had slide presentations, fashion shows, and poetry reading.

No resolution was passed, but their assistance made it possible for us to expose the situation and we had the opportunity to make more people aware of that we have done.

And the student senate is very proud to say that we have been instrumental in turning somewhat of the tide.

The students of IAIA also deny any wrongdoing on our part, as far as drug and alcohol abuse on this campus goes. Being accused of supplying Santa Fe Indian School with drugs and booze are all false. Some failed to see that the Santa Fe Indian School students go home from time to time. Maybe that is where they get their drugs. Also, they fail to see that when someone is not of legal age, they have to ask someone to buy their booze. IAIA students have been approached by Santa Fe Indian School students, and I can say personally I have been approached.

Artists are of a different type. They have different means. Artists are not of everyday people. We are few in anybody's book. But the effect we have on everyday life is huge.

The high cost of any school is abnormal, but art students have to create from stone, silver, clay, paints, whatever, not only from pen and paper. That is why our costs are so high.

Now we are into our National Awareness Week that we planned for May 1, 2, 3, and 4. If you want positive energy, we are putting positive energy into this Awareness Week.

We have planned speakers. The press release that we have come out with states that we, the students, cordially invite you to our first National Native American Arts and Cultural Awareness Week.

The Awareness Week will be held in conjunction with the 17th Annual Spring Pow-Wow. Activities include: IAIA Princess contests; the teepee contest; the Indian foods cooking contest; benefit entertainment by IAIA students along with nationally known entertainers; a fashion show of contemporary, traditional Indian dress; and IAIA students are showing benefit art auctions, as well as Indian arts and cultural awareness lectures and workshops by noted artists, educators, and spiritual leaders.

I gave you a summary of some of the accomplishments of the student senate and of the student body. If there are any other questions, they are welcome.

Senator MELCHER. When is your show? In May?

Mr. CHARLOW. Yes, sir.

Senator MELCHER. The first days of May?

Mr. CHARLOW. Yes, sir. It has been a tradition to plan the pow-wow the first week in May. Last year an arts convocation was attempted but on a small scale.

We have opened it up on a national scale because this is a national school. The students who come to this, the institute, cover the whole United States and that is where we are coming from.

Senator MELCHER. How many different tribes are represented in the student body at this time?

Mr. CHARLOW. Possibly, if not over, around 60.

Senator MELCHER. Around 60?

Mr. CHARLOW. Yes, sir. And then I would also like to mention that we have several Pueblo students. We have Pueblo instructors.

I personally want to apologize for any misled ideas about my position on the stand here. I resigned from the student body presidency but that was only for my own peace of mind and not from pressure from anybody or any other organization. The main reason is so I could put my full effort into this Awareness Week and this is where it is all going to come out.

We are not trying to deny anybody their education or their facility. We are trying to open it up so that they can see what their facility can do. No matter under whose control it is, it is still a facility and it is still a damned good facility and what the people do with the facility is what is really important. This bickering about who has control over it has gone on too long and I would like to say that whatever the student body or the student senate can do to expose the situation even more and make more people aware, we are going do it.

Senator MELCHER. Bob, what art form do you work in?

Mr. CHARLOW. I am a photographer.

Senator MELCHER. Photographer. And, Jim?

Mr. TAMEO. I am into jewelry right now.

Senator MELCHER. And Diane?

Ms. SVARNY. I am in the printmaking area.

Senator MELCHER. I am going to go over to the—do you call it the museum?

Mr. CHARLOW. Yes, sir.

Senator MELCHER. I am going to go over there. I understand there is a show on right now.

Mr. CHARLOW. Yes, there is. Check it out.

Senator MELCHER. I am going to check it out after the hearing.

Mr. CHARLOW. All right.

Senator MELCHER. Thank you all very much.

Ms. SVARNY. Thank you.

Senator MELCHER. Roland Johnson, Santa Fe Indian School PTA. Is Roland Johnson here?

VOICE FROM THE AUDIENCE. Senator, he is not here.

Senator MELCHER. Will he be here?

VOICE FROM THE AUDIENCE. We don't know yet, sir.

Senator MELCHER. Is Frank Tenorio here?

Mr. TENORIO: Yes, sir.

Senator MELCHER. Is anyone else representing the school board here appearing with you, Frank?

Mr. TENORIO. Clyde Caudill, sir.

Senator MELCHER. And Pablita Velarde from the Pueblo Artist Association.

Frank, are you going to have the leadoff?

Mr. TENORIO. Yes. I would like to make a few introductions here. First of all, I am Frank Tenorio from the pueblo of San Felipe. I am the AIS Santa Fe Indian School Board Chairman. And I have with me a member from Mescalero. He is one of our school board members; Mr. Samuel Cooper, over to my left.

Beyond him, there is Mr. Francis Tafoya from the pueblo of Santa Clara, who is also a member on my school board.

The rest of the school board members that are here today are Seff Tenorio, who made a presentation to you, and Mr. Benally from the Navajo Nation, I guess also on the school board. And, also, we have a member from the Acoma Pueblo, Willie Esteban, and another member from the pueblo of Nambe is Mr. Yates. We have a member from the Jicarilla Tribe who is not here. So you can see we have quite a representation on the board that represents the people or the students that we have enrolled in our two schools in Albuquerque and Santa Fe.

I have quite a number of points to more or less bring out here, but in all fairness, to get to the point, I would like to open this up for Mr. Joe Abeita. He is the superintendent of the Santa Fe Indian School and Albuquerque Indian School. And I would like for him to make a couple of remarks here. In order to make the introductions complete, we have Ms. Pablita Velarde from the Pueblo Artists Association sitting to my right, and next to her is Jose Ray Toledo who is also from the Pueblo Artists Association, and Mr. Paul Bernal is the vice chairman of the All Indian Pueblo Council, sitting over at the end.

Representing the Friends of the Indian Pueblo Cultural Center is Clyde Caudill, sitting at the end.

So with that, each one of them perhaps will make some brief remark, and I will let Mr. Abeita go ahead with his.

STATEMENT OF JOE ABEITA, SUPERINTENDENT, SANTA FE INDIAN SCHOOL AND ALBUQUERQUE INDIAN SCHOOL

Mr. Abeita. Mr. Tenorio is going to let me start, Mr. Chairman, because usually I am the longest winded of all and maybe this is a way of keeping me brief. I expect to do that.

It is indeed a pleasure, Senator Melcher, to have this opportunity to address you in behalf of the committee that you represent. I have had the privilege—I have had the honor for the last 2½ years to direct Indian education for the All-Indian Pueblo Council.

As you are probably aware, we started that endeavor on the Albuquerque campus as part of the Public Law 93-638 contract 2½ years ago. As we started, we anticipated many of the difficulties that we have been confronted with. But, to be honest with you, I had expected that at this point, we would have begun to resolve some of the difficulties. But seemingly, they keep mounting.

I was particularly concerned, and want to limit my comments to section 4 on pages 7 and 8 of the legislation. As I read it initially, it concerned me, but as I heard the opening comments this morning, by yourself and by Mr. Domenici, I feel a bit more relieved.

I was especially concerned at the possibility that our students would be moved out of Santa Fe campus. For the last 2½ years, Senator, we have had literally dozens of people, including people from your staff, come to Albuquerque and Santa Fe to see for themselves the work that we have attempted. We are a long, long way from final success, but we are making one fantastic effort and on behalf of the students, on behalf of our community, on behalf of everyone concerned; we want an opportunity to continue the work that we are involved in.

For years, as you are well aware, there has been a great deal of criticism. There has been a great deal of opinion. There has been a great deal of comment in regard to the education of the native American. Up until very recently, that responsibility has been in the hands of so many other people. At this point, the Pueblo leadership has decided to try for ourselves. We started out, as I mentioned earlier, in Albuquerque with an extremely difficult set of circumstances, with an extremely difficult problem to contend with. We are succeeding.

There is absolutely no doubt—as far as I am concerned, as far as any of the people that have visited our program, if they take the time to see where we started—there is absolutely no doubt that we are winning. It concerns me to no end that our program may be in jeopardy, that we may be forced back into a beginning point that we have left so far behind over this last couple of years.

We appreciate your concern. We are looking forward to your support, your understanding, and certainly we are available at any time to provide any kind of documentation, to provide any kind of information regarding what we are doing. We have nothing to be ashamed of. We have a student body that is representative of 22 tribes. They come from the 19 Pueblo communities. They come from the Navajo tribe, they come from Jicarilla Apache Reservation. They come from Mescalero. It is a proud group of kids.

We have had a humble beginning. We are very, very proud of what we have been able to accomplish. I think that if we are given the opportunity, we have a lot that we intend to show, and to provide some kind of satisfaction at long last to the Congress of the United States in regard to what Indian education can be, if we get the support and the backing that is so vital and so necessary.

Senator Melcher, thank you very much.

Senator **Melcher**. Thank you.

Mr. **Tenorio**. Do you want to say something?

Mr. **Tafoya**. No.

Mr. **Tenorio**. Pablita? Pablita, go ahead and make a comment.

STATEMENT OF PABLITA VELARDE, PUEBLO ARTISTS ASSOCIATION

Ms. **Velarde**. Senator, Mr. Richtman, Ms. Long, it is nice to see you here. I am not a politician, so don't expect anything extensive out of me. I am just a painter. I paint pictures for a living and have done it for 47 years. I studied my painting here at the Santa Fe School when Dorothy Dunn was here. That was in the 1930's. She was a very nice lady and a very good teacher. Of course, throughout the years, most of the painting that I have done is just through self-experimenting. I have now a steady income from it and hope to keep on doing it for a few more years.

I want to say that even if I do love painting and the arts, my love for the little children is greater and I would just love to see them have a good school like this one. Even if they have to move the Institute children out of here and put them someplace else, I think it would be the best result that you can give us from these hearings.

Thank you.

Senator **Melcher**. Thank you.

Mr. **Tenorio**. Mr. Toledo.

STATEMENT OF JOSE RAY TOLEDO, JEMEZ PUEBLO, PUEBLO ARTISTS ASSOCIATION

Mr. **Toledo**. Senator Melcher and distinguished visitors and Indian leaders from various parts of our Indian nation, I am very happy and proud to be here. I am also a product from the inspiration of the art world. I have painted my entire career and also have taught, and the language of art—in art expressions—comes from creative-minded people, inspired of mankind generally.

The effort that goes into the perpetuation of the esthetic values of man are general, and they are not confined to bloodlines nor ethnic groupings. Art, in its esthetic value, is a universal community, and I feel very strongly that the emphasis of perpetuating art generally should be of the best quality. I am sure Michaelangelo in his lifetime did not realize that he would affect every nationality with his God-given talent and much of it went deeper than what he ever imagined, and so do other non-Indian artists.

Here among our own native Americans, we had our ancestors with their long line of artistic abilities which permeated the very fiber of community living. We have many pan-Indian artifacts of the past to resort to—long and big historical achievements that have reached the golden age and we are proud and we want to see that these same value systems are carried on in a very complex and complicated world.

Good Indian art is for the public, and we have a host of experts who can determine what kind of Indian art has been consumed by the general public and what the general public deems should be encouraged and perpetuated.

Our ancestors of the past have interwoven these value systems, the esthetic along with their community governments, and they have permeated the family fiber, established good communities and led to many philosophical achievements. We are proud of them. We want that same thing to follow. We want a good system of art education that we can all be proud of that can be carried on to posterity.

Thank you very much.

Senator **Melcher**. Thank you.

Mr. **Tenorio**. Mr. Bernal.

STATEMENT OF PAUL BERNAL, TAOS PUEBLO, VICE CHAIRMAN, ALL-INDIAN PUEBLO COUNCIL

Mr. **Bernal**. Mr. Chairman, my name is Paul Bernal. I am from Taos Pueblo. I am the vice-chairman for the All-Indian Pueblo Council.

First of all, I would like to express my appreciation for the time and effort that you have expended in coming out here to Santa Fe to hear the Indian's voice in reference to the Santa Fe Indian School and in reference to S. 2166.

This is the first time that we ever experienced a congressional delegation who has a deep interest in coming out here to hear our stories and some of the problems that we are having out here. I do feel that this is the way it should be done. Any big legislation, initiated by the Congress of the United States should be checked out and studied in the field, rather than doing their paperwork back home—back in their office, you might say.

We, the Pueblo Indians, do have a true foundation from the beginning of time. Since the beginning of time our forefathers have never drifted from anywhere into this specific area, the special area where our communities are located. They were born and raised here the same as our culture, tradition, and our religion. Spiritually, we have been living with this forever in our lives.

Today, we still continue that practice. It has not, in any way, been duplicated; nor has it been copied. We have in no way been experienced in other religious aspects. We did not exercise these things in our community because we did not understand these things. The only thing that we believe in doing is what we understand, what we have been living with, what our forefathers and those people from way back have taught us to continue. It is a wrongful thing, a wrong attitude for us to go out and try to imitate or duplicate somebody else's sacred dances performed in a particular community. That is a sin, according to the Indian philosophy.

Our Indian people are still wards of the U.S. Government. The trust mission of the U.S. Government, of that particular department, still have the responsibility, in our behalf, to see that we get the proper education. But this particular obligation is not carried out properly as indicated by the fact of what happened just a few years ago here in Santa Fe Indian School. Without due process or consultation by the Federal trustees, they took this school away from us.

In order to make the story short, we would like to keep this under the Indian School, to remain here and keep it open. We would like to encourage the Government, Senator Melcher and the Select Committee on Indian Affairs to continue to support this because we know we need a quality education here, right here in Santa Fe, N. Mex.

If the Navajos want an art institute in the State of Arizona, they can have theirs there; they can have it available. If the Zunis want to have an art institute within their reservation, they can do so. It is their privilege to have this kind of a facility built.

To conclude my statement, Senator Melcher, we want to thank you. Listen to us and our experience. See who we are and what we are doing out here. I think this will be a wonderful experience for you and I hope you can give us the decision that we justify.

We would like to see you support the Santa Fe Indian School. We would not like to be pushed back to Albuquerque Indian School where once we used to have our Indian children housed for education. That place became dilapidated, unfit, unsanitary, and it would not be proper for anyone to be housed there while trying to get a white-man education.

Thank you very much.

Senator MELCHER. Thank you, Paul.

Mr. TENORIO. Mr. Cooper.

STATEMENT OF SAMUEL COOPER, MESCALERO RESERVATION

Mr. COOPER. Senator Melcher, my name is Sam Cooper. Susan Long, and Max Richtman, I am very happy to see you people here today.

I would have to say this is where the action is. I believe that it is appropriate that you come down here to this campus to see the problems. The problems are not in Washington, D.C., but as you can tell by the hard feelings, the true feelings coming from the tribal leaders, we do have a problem here.

I believe the majority of the people are saying we are not against anyone, but I, for one, will say this: That if you ask Mr. and Mrs. Parent, they will say that education has to be No. 1.

In this world we are living in today, this fast world, if we are not prepared, I believe we will all be losers. I believe this is what it is all about.

I feel that our youngsters are the tribal leaders, future leaders, our greatest asset, and we have to train them and teach them and guide them for the future. I believe this is what it is all about.

Thank you.

Senator **Melcher**. Thank you, Sam.

Mr. **Tenorio**. Mr. Claude Caudill.

STATEMENT OF CLAUDE W. CAUDILL, PRESIDENT, FRIENDS OF THE INDIAN PUEBLO CULTURAL CENTER, INC.

Mr. **Caudill**. Mr. Chairman and members of the Senate Select Committee on Indian Affairs, my name is Claude W. Caudill. I am the president of the Friends of the Indian Pueblo Cultural Center, Inc., in Albuquerque, N. Mex.

The corporation referred to as "Friends, Inc.," is a nonprofit corporation organized under the laws of the State of New Mexico.

The purposes of Friends, Inc., are: No. 1, to assist, support, foster, and otherwise do all things appropriate or desirable to aid the Indian Pueblo Cultural Center, Inc., and the Pubelo Indians of the State of New Mexico; and No. 2, to advance and sustain their objectives of organizing, constructing, operating, and maintaining the Indian Pueblo Cultural Center.

I would like to thank you for the opportunity to come before this distinguished committee to address briefly, in a general manner, some topics having to do with Native American art and culture.

Since incorporation, Friends, Inc., had provided thousands of volunteer hours toward our purposes in fundraising efforts, given guided tours, and hosted special events, to name a few.

In our endeavors, I have had the opportunity to become acquainted with a broad range and depth of Pueblo Indian culture, history, arts, and crafts. In addition, I have seen the accomplishment of the All Indian Pueblo Council in the administration of an academic program at the Albuquerque Indian School.

During my association with Friends, Inc., I have visited both the Albuquerque Indian School and the Institute of American Indian Arts and observed the students, classrooms, and other facilities.

I understand and concur with the AIPC efforts to continue its academic programs by the utilization of the Institute of American Indian Arts facilities because of the age and condition of some of the facilities at Albuquerque Indian School.

It appears appropriate and highly desirable to me for AIPC to utilize the facilities here at the institute because they are nearby and usable.

Also, it is my understanding that part of the student enrollment at Albuquerque Indian School has been transferred to IAIA facilities with the balance scheduled for transfer in the near future. To my knowledge, there have been no serious difficulties encountered under this arrangement which detracts from the academic programs.

When the full transfer of Albuquerque Indian School is accomplished, the existing facilities here at IAIA should be fully utilized by the All Indian Pueblo Council academic program. In my opinion, this action is in the best interests not only of the students' environment but also to the overall academic program being administered by AIPC.

Thank you.

Senator MELCHER. Frank, were you going to make some comments?

Mr. TENORIO. I would like to make a few comments.

As we attempted to show here, our exercise and our educational venture beginning in Albuquerque and, certainly, carrying on up here in Santa Fe, is an exercise of education in its most viable sense.

We have community participation and we have the support of the Pueblos in regards to the kind of institution they would like to see housing their secondary children and, certainly, their elementary children. We are concerned about our contract. We are concerned about perpetuating our contract so that we can give them the necessary skills so they will be able to fend in this community, the requisite of which is that you have to be totally capable now in order to exist.

And I would like to reiterate the fact that we do not have anything against a presentment kind of art program that has been mentioned by some of the people here.

We are totally against encroaching on that aspect of our religious freedom, and that more or less comes in the realm of interfering with that aspect of religion which we consider to be for our salvation, for the salvation of the world.

As far as the Pueblo that I come from is concerned, San Felipe can totally attest to what we mean by keeping our religion to ourselves. We do not choose to exhibit our dances in carnival fashions that you see throughout the country. That is what we object to. We object to having those very things that we consider "getting our life-giving salvation" to be exhibited as if it were something that was akin to a carnival sort of an atmosphere. Those are the things we are talking about.

You are in what we call the bedrock of Pueblo religion and a welcome has been extended to you. I wish you could see more of our ways and the more you stick around, I know you will be saturated with the feeling that we have for our way of life that comes from the love of what we have around us. We intend to keep that and perpetuate that way of life for all time.

We thank you for listening to us and we hope we have made the kind of indentation on your mind that we want to, so that our cause can be furthered here on record.

Thank you very much.

Senator MELCHER. Frank and Clyde, you have a Pueblo Cultural Center in Albuquerque.

Mr. TENORIO. That is right.

Senator MELCHER. And it is open to the public.

Mr. TENORIO. That is true.

Senator MELCHER. To everybody.

Mr. TENORIO. Right.

Senator MELCHER. And it portrays some art and culture of the Pueblos.

Mr. TENORIO. That is right.

Senator MELCHER. We have thrown this big word around a bit today in the testimony, "institutionalization." Has that institutionalized Pueblo art and culture?

Mr. TENORIO. We prefer to draw a line as to what we mean. I said definitely a while ago that that with which we gain our salvation, I mean our prayers, our songs, our rituals, and dances—those are the things that we consider a little bit, well, say, off limits to some of our non-Indian constituents.

Senator MELCHER. Well, I wonder how anything we envision threatens the privacy and religious freedom of the Indians of the Pueblos.

Mr. TENORIO. I will answer you with a question. What do you mean when you say you are going to "preserve and perpetuate rituals"? As your bill points out, you are going to more or less—the ritual aspects of it and the songs and things of that nature that you point to in your bill——

Senator MELCHER. I am going to read from page 2 of the bill, if you will look at page 2, (4), on line 4:

> Although the encouragement and support of Indian arts and crafts are primarily a matter for private, local, and Indian initiative, it is also an appropriate matter of concern to the Federal Government.
>
> (5) It is appropriate and necessary for the Federal Government to support research and scholarship in Indian art and culture and to complement programs for the advancement of Indian art and culture by tribal, private, and public agencies and organizations.

So we think, at this side of the table, that there has been an awful lot of information described in testimony today that we do not understand because we do not even read that language as showing any intent to pry or invade or to in any way jeopardize the privacy or the religious freedom of any Indian tribe.

And to the extent that I can allay those fears, I do so now by making this a part of the official record—making my statement a part of the official record for this hearing, and I do not know how I can be any more clear than that.

Joe, have you or the members of the board given any consideration to sharing the SIPI campus?

Mr. ABEITA. Over the last couple of years, we have done quite a bit of work in trying to identify alternatives that may be workable, so the answer is, yes. At one point, we did look at SIPI as an alternative, but as we pursued that whole idea, we found that it was not a likely choice, compared to the other alternatives that were available, particularly because of the nature of the program that existed at SIPI.

There are two things particularly that come to mind:

No. 1, the facilities themselves. Initially, the facilities were constructed to support a vocational program. It was designed as a vocational program. It was organized in terms of the spaces of a vocational program. It was developed for postsecondary students.

No. 2, they have a brand new administration with a lot of new ideas and a lot of ambition in terms of ideas that they want to implement.

That is compared to the Institute of American Indian Art, which was pointed out earlier as having a great deal of difficulty and was developed architecturally as a high school. If you take the time to walk through the academic area, you will notice the double-loaded corridors that are characteristic of high school programs. You will notice the laboratories that were constructed to support a high school science program.

This very facility that we are in, Senator, was constructed as part of a high school.

So the answer, yes, we did look at SIPI. We did do some indepth investigation. After we considered the alternatives, the choice was to pursue the idea of Santa Fe again because of its initial intent and because of the problems that they had in regard to enrollment, the problems that they have had in regard to administration.

It just seemed a likely choice, in our opinion, and that was concurred with by the subsequent decision of the Secretary of the Interior.

Senator MELCHER. Well, the underutilization of SIPI—and I am very curious as to where any head count of students approaching 300 comes from. They are certainly not visible, and the facilities there are excellent.

Is it not also a fact—and I do not want to dwell too much on this because that is not really the thrust of our bill, to determine where the Pueblo students go for high school age or junior high school age, where they are located—but isn't there a factor involved in that Santa Fe is closer to many of the Pueblos?

Mr. ABEITA. Certainly that is a factor. Santa Fe is right in the middle.

Senator MELCHER. I want to understand that correctly because it is more central to many of the Pueblos.

Mr. ABEITA. I am sure you are well aware that 561, the new piece of legislation that covers the Bureau's administration of education programs, allows for a transportation factor that possibly could be used to support our program, also, because of the location of Santa Fe.

Senator MELCHER. Well, Frank, there are a lot of students that are not here—members of the families of the Pueblos, members of the family of Mescalero, and other tribes.

Is not this a very small minority of the members of those families of this school age—junior high to high school?

Mr. ABEITA. We are limited by the facilities that we have available. Yes; the 450 kids that we have is a minority, if you take the total number of students that are out there in the communities that have access to this school.

In fact, one of the alternatives that I mentioned earlier was to look at some new construction. We have available statistics. We have available architectural design. We have available program and budgeting to support a program for 1,000 students and we have some confidence that there will be that number of kids that will want to attend.

The limited factor, Senator, is the facilities that are available.

Senator MELCHER. Even at 1,000 or 2,000, we are still talking about a very small minority of the children of that age of the families involved, are we not?

Mr. ABEITA. Certainly, if you would clarify the point for me, I would be glad to respond. Yes, we are a small school. We never had any intention of being a school for all students.

As a matter of fact, I do not believe that there is a purpose or that we have a basis for existence if we compete with public schools that are out there.

Senator MELCHER. How many of the Pueblos have their own school districts?

Mr. ABEITA. All of the Pueblo students have access to public schools. But the issue that we are dealing with is that of an alternative, that there are many, many, many students and there are many, many, many tribal groups that are not satisfied with the alternatives that are available to them.

Senator MELCHER. No; I think you misunderstood me.

Mr. ABEITA. Well, I am trying to get a handle on what you are asking, Senator.

Senator **Melcher**. My question was more to the point of how many of the Pueblos actually have a school district on their own reservation land?

Mr. **Abeita**. How many Indian reservations have a public school district on their reservation?

Senator **Melcher**. Yes.

Mr. **Abeita**. On their reservation—Zuni Pueblo has a public school. Sammy, does Mescalero?

Mr. **Cooper**. No.

Mr. **Abeita**. Can somebody help me? I am not sure how many Pueblos have public schools on their reservations. I know Zuni does. That is the only one that comes to mind, sir.

Senator **Melcher**. Well, I just bring that point up, and it may not be appropriate here. Many of our reservations in Montana now have their own school districts right on the reservation and the preponderance is that sometimes all of the school board members are members of the tribe.

Mr. **Abeita**. If I may, I am not at all satisfied with my response, because I do not think it was as clear as I meant it to be.

The purpose that we have set for ourselves, Senator, is not to compete with public schools because I think that there is a very basic belief that exists among our communities that those kids should be at home.

What we represent is an alternative. What we represent is a choice. I think that the final decision is that of the parent and that of the student in regard to which school they want to go to or which school they want to attend. I think we have been quite successful, and we can document from the choices that have been made, that there is a need for our program, and I think this will continue if we are given the opportunity.

Senator **Melcher**. Pablita, do you paint?

Ms. **Velarde**. Yes, sir.

Senator **Melcher**. I was glad to hear about that. Now, Mr. Toledo, what is your art form?

Mr. **Toledo**. My art form, and what I have been known to the public for, is depiction and art expressions from the Pueblo world regarding the historical aspect of and significance of their dances, of some of the ceremonies that have been exposed to the public, to the general public.

I am known for the anatomical correct presentations and the actual preservations of paraphernalia that have been used historically through the centuries by the Pueblo Tribes.

Mine is an educational type of art in water color and murals. You will see an example of my work at the Pueblo Cultural Center if you tour there, and I have been a teacher of art. I have a master's degree in art education, as well as a health education degree from Berkeley.

Senator **Melcher**. Thank you both, very much for being part of this panel. We have had a panel of aspiring Indian artists, young Indian artists, students here, and now to have two successful Indian artists as part of this panel is indeed encouraging. It shows that Indian art is living art. Indeed it is.

Mr. **Toledo**. Yes; it has a lot of potential for much more cultural distribution to the general public.

What I am interested in—in reference to your questioning about academic education—I have the experience of being on the school board in district 31 of the Jemez Pueblo area, and what the public school has to offer is short. It does not satisfy the student. It does not afford them a livelihood. It does not really enable them to participate in this technical society. The academic knowledge that they gain is insufficient, and like the superintendent said, there is a whole backlog of dropouts and the suicidal rate among the Indian people, as you know, is high.

The reflection that the Indian has to offer, across the board, is not a pleasant one. So we certainly need an answer. We need something like Mr. Tenorio said: "They need the skills to get along in a society as complex as ours," and the public schools are not doing it, Senator.

Senator MELCHER. Several of the governors of the Pueblos that testified this morning are alumni of Santa Fe Indian School.

Mr. TOLEDO. Yes.

Senator MELCHER. Are you?

Mr. TOLEDO. I am an alumnus of the Albuquerque Indian School, during the days of John Collier—Hon. John Collier.

It was a viable education of that day because it stressed vocational activities that were conducive to the times. But they are not now. This is an age of computerization, and if I were to choose between teaching art and a means to really secure a decent livelihood for our Indian children, I would choose the academic improvement.

Senator MELCHER. Thank you all very much. We appreciate your testimony.

Mr. TENORIO. Senator Melcher, we have Chee Benally here who is also a member of our school board for the Navajo Nation. I just want that included in the record.

Senator MELCHER. Thank you very much.

Emerson Jackson, president, Native American Church, Shiprock, I understand is also here. I understand Mr. Jackson is here now?

Is Mr. Jackson here? [No reply.]

Gov. Robert Lewis, Governor of the Pueblo of Zuni.

STATEMENT OF ROBERT LEWIS, GOVERNOR, ZUNI PUEBLO, ACCOMPANIED BY THEODORE EDAAKIE, LIEUTENANT GOVERNOR; SEFFERINO ERAICHO, MILO AWALEON, AND ALEX BOONE, COUNCILMEN

Mr. LEWIS. Senator, first of all, I would like to take the pleasure of introducing to you my councilmen that accompanied me today.

Next to me is Theodore Edaakie, my Lieutenant Governor; Head Councilman Sefferino Eraicho; Councilman Milo Awaleon; and Councilman Alex Boone.

We have a prepared statement, Mr. Chairman, which we would like to read.

Mr. Chairman, in behalf of the Zuni Tribe, I thank you and members of your committee for allowing us to present out statement for the record on S. 2166, the Native American Culture and Art Development Act.

Overall, S. 2166 is a very good proposal in that the proposed new Institute will be greatly expanded in scope and objectives; will have many new programs including a center for culture and art studies;

a center for Native American scholars; a center for cultural exchange; a museum of Indian arts and other programs that will preserve, support, revitalize, and disseminate Indian art and culture. These objectives, in a very real way, will continue and further develop the goals of IAIA. Mr. Chairman, in the following section we address four major issues of concern and interest that have been identified by the Select Committee on Indian Affairs:

No. 1. The potential relationship between S. 2166 and the American Indian Religious Freedom Act and the Archeological Resource Protection Act of 1979; No. 2. The public membership of the board of trustees of the Institute of Native American Culture and Arts; No. 3. The geographic location of the Institute of Native American Culture and Arts; and No. 4. The relationship between the Institute of Native American Culture and Arts, and any museum of Indian art in the United States.

These major issues are explained separately as follows;

No. 1—Potential relationship between S. 2166 and the American Indian Religious Freedom Act and the Archeological Resources Protection Act of 1979.

There are three potential relationships between S. 2166 and the American Indian Religious Freedom Act, Public Law 95-431.

The first of these would be to utilize the proposed center for Native American scholars to help answer many of the questions raised by Public Law 95-341, including such questions as how to identify Indian religious sites for planning purposes without violating their sacredness, and how to best involve traditional religious leaders in protecting the places and objects they use in their religion.

Indian scholars at the proposed Institute could help answer many of the legal, ethical, and moral questions that are raised by both Indians and museums when requests are made to museums for the return of ceremonial artifacts. The return of religious artifacts to Indian tribes is a real problem area, and Indian scholars need to address the issues in this important area to provide the information needed for an equitable solution to the conflicts that are already apparent. Non-Indian anthropologist, historians, and museum people can help resolve these problems, but input from Indian people and Indian scholars is what is really needed to arrive at solutions that will be acceptable.

Second, another potential relationship between S. 2166 and Public Law 95-341 is that the proposed Museum of Indian Art could be used as a place where sacred artifacts from other museums could be transferred and housed. Some tribes might be interested in this. The Zuni religious leaders want certain of their religious artifacts back for religious use, not to be housed in another museum.

Therefore, this potential relationship would seem of little interest to the Zuni. The Museum of Indian Art itself, of course, would be a very good institution, and worthy of full support.

The third possible relationship of S. 2166 and Public Law 95-341 lies in the proposed center for cultural exchange, which will involve marketing and promotion of Indian crafts and promotion of Indian art. These programs could help establish a much needed distinction between Indian arts and crafts and sacred items. Many people trade in sacred items or collect them because they do not understand what they really are. The market for Indian sacred artifacts is what causes thefts of such objects. There is a great need to educate the general public to stop stealing sacred artifacts. The center for cultural exchange could help promote respect for Indian religion and religious artifacts and at the same time promote Indian arts and crafts.

The one potential relationship between S. 2166 and the Archeological Resources Protection Act would be for the proposed center to build a regional depository and research facility to house the artifacts excavated from Indian land.

Many Federal laws require the excavation of archeological sites as part of cultural resource management on projects which disturb the land surface. Most tribes have no way to store these important artifact collections, or to make them available for study and interpretation. The Pueblo of Zuni cannot afford a large curatorial facility to store artifacts, and it would be good to have a place to store these cultural items properly. Many more Indian people would be able to use these important cultural resources if they were housed at the proposed institute. At present, they are dispersed in many museums around the Nation.

No. 2. The number of public members: We feel that the proposed number in S. 2166 is adequate. To add any more would create an unwieldy body. However, we have attached to our statement areas of recommended amendments that address in a way this area where people involvement is concerned.

No. 3. The geographical location of the institute: The institute should be housed in Santa Fe, where it can build upon the already existing Institute of American Indian Art. Santa Fe has many merits, including being an important art center, being close to many tribes, and having a good atmosphere. Land availability in the Santa Fe area seems good for eventual expansion, especially for a regional artifact repository as discussed above.

If, however, this became an impossibility for whatever reason or reasons, rather than let the institute get out of the "Land of Enchantment," the Zuni Tribe would be very glad and willing to offer a site for its location.

No. 4. The relationship between the institute and any museums of Indian art in the United States: A positive relationship of mutual cooperation between the institute and existing museums of Indian art in the United States. The existing museums can provide important technical and professional assistance and training opportunities, as well as artifacts for special exhibits through interinstitutional loans. The institute, in return, can provide new art and scholarly research that will enrich the resources of the already existing museums. Everyone should benefit.

The Zuni tribal council has a sincere interest and concern for the continuation of a quality art program.

It is this concern and interest that has prompted the Zuni tribal government to offer a site for the institute on the Zuni Reservation as an option for consideration to the students, board of trustees, concerned tribes, and the Senate Select Committee on Indian Affairs.

If the debate regarding the future location of the institute continues to be a problem and continues to cause dissent among the other tribes and Indian agencies in New Mexico, then the Zuni tribal government will stand behind the option indicated

We believe this is a viable option, as our reservation setting offers great natural beauty and historic significance. Our tribal religious cycle of activities and cultural ways will no doubt provide added benefits to young people. This kind of intercultural exchange will also lead to better understanding and communication among Indian people.

A last general comment we submit to you is that the board of trustees will formulate a specific directive and guidelines for establishing an Indian credentials system which will take into account nonacademic achievement with the tribal context, such as tribal government, custom, law, and so forth.

Attached, as we mentioned earlier in our statement, are the proposed deletions and additions that we believe should be earnestly considered before the finalization of S. 2166.

And I think that in the areas of parent and student participation, we would like to have those earnestly considered because people can make this program go, with their involvement and parents, scholars, artists, and those who have formed guilds should also be considered to participate in setting up the guidelines that can make this institute, if it gets to that point, go.

We have great confidence that it can be done.

Senator MELCHER. You just mentioned guilds. Are there some guilds?

Mr. LEWIS. There are some guilds, I am pretty sure. Throughout different parts of the country, Indian artists who have formed guilds.

Senator MELCHER. I am very interested in that. We are appreciative of your suggestions concerning the bill and we particularly are interested in any specific deletions or modifications that you have attached to your testimony. That is very helpful to us. They will be included in the record at the end of your testimony.

Now, on the question of artifacts or sacred Indian objects, I can certainly understand that the artifacts are of high value and they are therefore sought and might be involved in traffic that is dishonest and illegal.

The question of a museum, I believe, if I understood the thrust of your testimony, was more in the nature of regional museums.

Mr. LEWIS. Well, the proposed museum that probably could be housed in the institute would be a great advantage in the areas that we are discussing because, even today, what we refer to as "pot hunters" are getting more numerous, although the archeological—or those things in the way of acts that have been enacted recently have a little more teeth than they had formerly and we hope that as time goes on, tribes throughout the United States can pretty well regulate their tourism traffic to guard from this type of vandalism.

But, as I referred to, it is someplace that can be used as a repository. We know that many tribes are having difficulties in getting some of their sacred objects back. But if they were to retrieve them, where would they put them if they did not have any museums on their lands? Perhaps this could be a holding place until something was worked out back home.

Senator MELCHER. Yes; I think that is a very valid point. I want to thank you all for appearing today and for your testimony, Mr. Lewis. I think it is most helpful to the committee.

Mr. LEWIS. Thank you, sir.

[The recommended amendments to S. 2166 follow:]

RECOMMENDED AMENDMENTS TO S. 2166 BY THE ZUNI TRIBE

SECTION 3 (1)

Line 21 Delete the word "belief".
Line 22 Delete the word "rituals".

SECTION 4 (F) PAGE 5

Line 15 Delete "in consultation with" replace with "with the direction of".

SECTION 4 (M) PAGE 8

Line 5 after the word "institute," add "provided that the institute remain in its present location and retain its intended purpose".

SECTION 5 (1) PAGE 8

Line 15 after the word "Literature;" add "the Directors shall appoint, with the approval of the President (and the Board), a Parent Advisory Committee that would include student representation which would sit in meetings with Trustees".

SECTION 5 (2) PAGE 8

Line 20 after "publications;" add "the Director shall include with the approval of the President (and the Board), representation from the Indian tribal and traditional leadership, and the Indian Education community".

SECTION 5 (3) PAGE 9

Line 2 after shows; add "the Director with the approval of the President (and the Board) shall include representation from the Indian tribal and traditional leadership from the community of Indian artist and guilds".

SECTION 5 (4) PAGE 9

Line 7 after Indian art; and, add "from the tribally based museums and programs, and".

SECTION 6 PAGE 10

After line 13 add, "(d) All programs and policies of the Institute shall be developed only after full consideration of the American Indian Religious Freedom Act, the Archeological Resources Protection Act, and applicable tribal customary law.

Senator MELCHER. Next is Peter MacDonald of the Navajo Tribe. Welcome to the committee, Chairman MacDonald.

STATEMENT OF PETER MacDONALD, CHAIRMAN, NAVAJO TRIBE

Mr. MACDONALD. Thank you, Mr. Chairman and members of the select committee. It is really a pleasure for me to make a statement here on behalf and in support of the bill S. 2166.

I represent the Navajo Nation and I do not have a prepared statement but I would like to request that, shortly, the Navajo Tribal Council and Navajo Nation will submit a formal statement.

Senator MELCHER. Yes; we will welcome that for this hearing record.

Mr. MACDONALD. I would just like to say that this bill, S. 2166, in our estimation, is a very good bill in terms of recognizing the continuing development and recognition of the culture and the tremendous amount of talent that is within the native American population. They have heretofore not really been given the proper attention and recognition.

This bill, as I see it, has a program that will get the highest level of attention from the President, Congress, and the other national organizations who are going to be involved in terms of not only these specific Indian groups, but to address the needs and the desires of over 200 other Indian tribes in the United States.

And I know that there are Indian tribes within the continental United States that have sufficient funds and have, in some cases, developed their own cultural centers. The Navajos have a cultural center and other tribes have. But these are very limited and, also, very specific in scope. However, I think it is a good idea to draw national attention to all tribes who have wonderful contributions to make in terms of art and other forms of native American expression, and that is one reason why I like the word "develop."

I do not think we are talking about just some museum piece or preservation of those things that we have. I think we are talking about as we grow. As native Americans, as our young people grow, there is an expression within them that needs to be fostered and needs to be identified and developed and given that best possible opportunity to give to their particular tribe, community, States and to the Nation as a whole the gift that they have, uniquely, because we come from a special heritage and a special cultural group. And I feel very strongly that this bill can address that.

Of course, it is just in a talking stage at the present time. I know it is going to require a lot of work, but I want to say here that I want to commend you as chairman and other members of the select committee for your farsightedness in proposing this and I want to say that you have our support, the Navajo support, in terms of addressing this need which has been in existence for a long, long time.

Now, with respect to those centers that other tribes have, Navajos have—we are proud of that. We want to promote it. We want to increase it. But there are many, many more other Indian tribes through out the United States who have just as much to contribute in terms of culture, arts, and what-have-you but do not have the means or the recognition that will allow them to do so.

I think this bill, I am sure, will incorporate all of that. And I want to say, also, that there has been some concern, I am sure rightful concern, for the location of this Native American Culture and Art. I think it would be shortsightedness if we were to get entangled in where the location was going to be, because the location, so far as the Navajo Nation is concerned, could be here in Santa Fe. We would be happy with it. If no one wants it to be in Santa Fe, certainly—I want to sort of say the same thing that Governor Lewis has said—that the Navajo Nation is willing to make part of its reservation available for this wonderful bill that has been proposed.

But I believe, like Governor Lewis, that Santa Fe somehow is a good location because Santa Fe is identified throughout the country and throughout the world as sort of an art and cultural center of the Southwest. And it is in the midst of the Indian country, of many tribes, of many Pueblos that live within a not too great distance from here. So it would be a good location.

Now, whether, as we were talking about, it competes with the Indian school, which has been stated here, I think those issues could be addressed separately because that is really a BIA issue with respect to schools.

I, for one, have been a strong supporter of local schools. I want the Navajo Nation to get away from boarding schools as much as possible because I, also, happen to believe in quality education and controlled education, and I believe that the only way you can get quality education is to bring the school closer to you, closer to your home where you can actually look at it, check on it every day, and where you also have influence on how well your child is going to learn and you can actually have a double check on how fast and how well your child is learning.

So although we have several Navajo students still—several hundred Navajo students in boarding schools here and throughout the country—we are working very hard to try to bring those schools down to the local level so that we have no need for boarding schools.

And, believe me, if you leave it to the BIA, they will run it into the ground every time. You take the Albuquerque Indian School; someone said John Collier built that school. John Collier perhaps had good intentions but it was BIA, through its neglect, through its insensitiveness to what is called quality, ran that school into the ground. And, now, the same BIA is looking at this beautiful facility. What for? I am sure to run it into the ground again.

I sure hate to see that. So if we are talking about education and how BIA is performing, how quality education can structure our kids, I think talking about whether it should be here versus whether it should be home, I believe it should be right at the home level.

I think money can be well spent to bring education closer to the parents, closer to where the kids are. Therefore the parents can have a much better chance in monitoring, controlling those schools than would be if we had to send them far off. So I just want to make that remark here because, although it has nothing to do with the bill itself, in terms of what the secondary and elementary education is, I think what we are talking about here is something that is national in scope. It touches the life of over 200 Indian tribes who are now under the trusteeship of the U.S. Government. I certainly hope that we can all get together on this and shoot for that big thing and then worry about that nitty-gritty once Congress makes a law.

Then I am sure, like everything else, there is always oversight here to patch up things when things do not go right.

Senator MELCHER. Mr. MacDonald, you captured the intent of the bill very well. You have related our intent very well.

Beyond that, I very much appreciate the fact that you emphasize an ongoing development of Indian art as a great potential. I agree with you.

I want to say that what we have intended in the bill is not only to touch the lives of all the individual Indian Americans, the 200 odd tribes, but to touch the lives and enrich the lives of all 210 or 220 or 225 million Americans, whatever the 1980 census shows our count is, because in this Indian art and Indian culture, we share it. We non-Indians share it in our heritage. We are lucky for that.

Too many non-Indians have never had the opportunity to understand any aspect of Indian art or Indian culture or Indian heritage and that is unfortunate. But we would like to correct that, and this bill would be part of a means of correcting that.

I agree that—and it is in the bill—that we think the ideal place to center our attention is in the Southwest, and we think of Santa Fe as you do, as the recognized center of the Southwest for art, and you can not think of art in Santa Fe without thinking of Indian art.

But the location of the actual facility is really incidental. It is only a very small aspect of what we are trying to accomplish in the bill. So your comments are right on target for what we intend in the bill.

We will not make a secret. Anybody that reads the bill will understand that we think that what we are striving for is much broader, much more meaningful, and much more of a national and, indeed, a pan-American interest of what would, what could be related to the Bureau of Indian Affairs. And it is no reflection on the Bureau of Indian Affairs. We do not think the Bureau of Indian Affairs was ever set up or has ever been motivated in the direction of handling the broad aspects of Indian art, Indian culture, Indian history, and Indian religion. Of course, they touch it but what we envision here is a much broader scope than what would be ever covered by the Bureau of Indian Affairs. It is no reflection on the Bureau and we do not mean it as a reflection on the Bureau. But it is clear that we are stepping beyond that in our intent in the bill.

Mr. MacDonald. I think that is very true because each tribal group as I know, has their own method of extracting from their own religion, religious background, those things which they can permit in terms of letting it be expressed on the outside. Every tribe has their own internal control by which they can allow things to happen.

But what I see is beyond that. I am looking at the kids today, their kids, and their kids, and something that can be promoted into more than just the Indian religion itself, but something that walks and lives within the individual person that can be extracted in terms of various forms of art that could be recognized throughout the country and throughout the world.

Certainly, we as Native Americans are very proud of our own culture and artistic expression which is unique, and we want that to be recognized so that the many budding artisans that we have, in whatever category, can have the necessary existence, recognition by which they can continue and their children can continue.

I think that is the beautiful thing about this, and I agree with you that if we get too bogged down on the implementation aspect of it, it tends to become too "provocal" and it doesn't serve really the overall broad purpose for which the bill was, I believe, intended.

Senator Melcher. That is very well stated. Might I inquire how many of the Navajo Nation reside within the boundaries of New Mexico?

Mr. MacDonald. About 35,000.

Senator Melcher. What is the total membership of the Navajo Nation?

Mr. MacDonald. 160,000.

Senator Melcher. 160,000.

So about one-fourth, between one-fourth and one-fifth of the Navajo Nation actually resides in New Mexico?

Mr. MacDonald. Yes, sir.

Senator Melcher. Well, the expression of Indian art and sharing of Indian arts certainly does not have to be an invasion of any privacy that a particular tribe wishes to keep private—that of a religious nature.

I think we have had the expressions that appeared in several, or a great numper, of the Pueblos' testimony that the bill might attempt to institutionalize the religious aspects of Pueblos, which is considered to be nonpublic and to be of a private nature. However, I think it was well stated by Frank Tenorio, when he said, "We draw the line at a certain point," and the testimony of Mr. Toledo in his painting of some of the aspects of the Pueblo dancing that was meant for the public. So the line is there, properly adhered to, and that part that is available for public enjoyment and is not private can be certainly what we are interested in. We are not interested in any invasion or any institutionalization of religious practices or religious rites or rituals that are meant to be of a private nature.

I want to thank you very much, Mr. MacDonald, for testifying today. We very much appreciate that.

Mr. MacDonald. Thank you.

Senator Melcher. Well, that concludes our witness list today at this hearing. I will make part of the record at this point portions of the 1969 report of the Committee on Labor and Public Welfare, U.S. Senate, "Indian Education: A National Tragedy—A National Challenge." It is Report No. 91-501.

The parts that I would like to make part of the record today are parts 31, 32, 33 of that report. And that report recommends:

> A graduate institute of Indian languages, history, and culture should be established.
>
> Colleges and universities should include within their counselor and teacher-training curriculum, courses designed to acquaint future teachers and counselors with the needs, values, and culture of Indian students.
>
> The Institute of American Indian Arts at Santa Fe, N. Mex., should be raised to the level of a 4-year college, * * *.

[Excerpts from the report follow:]

31. The subcommittee recommends a graduate institute of Indian languages, history, and culture should be established.

There is at present no graduate level program encompassing the language, history, and culture of Indians. The information such an institute could disseminate, as well as the research which it would conduct, would greatly increase public knowledge and understanding of the American Indian. Such an institute established by Federal legislation, might very well be operated in conjunction with the Smithsonian Institution.

32. The subcommittee recommends colleges and universities should include within their counselor and teacher-training curriculum, courses designed to acquaint future teachers and counselors with the needs, values, and culture of Indian students.

Too many Indians never seek education beyond high school, or even complete high school, because of the discouragement they receive from teachers, counselors, and administrators. Many of these people simply do not understand Indian culture and values. It is essential that those persons who have such influence over Indians during their school years be knowledgeable and understandable about Indians.

33. The subcommittee recommends the Institute of American Indian Arts at Santa Fe, N. Mex. should be raised to the level of a 4-year college, supported by the Bureau of Indian Affairs.

The Institute has had considerable success in instilling a cultural pride in Indian students by providing them with opportunities for creative expression. The individual-oriented programs recognize the importance of a sense of identity. By becoming a college, the Institute could provide a collegewide curriculum for Indians which considers their culture and history—something unique in higher education. The valuable lessons learned and put into practice by the Institute should be expanded into a college curriculum so that the Institute might become a model for colleges interested in developing innovative programs, such as in teacher-training, which recognize Indian needs.

Senator MELCHER. Also, I would like to make a part of the record, recommendation No. 5 of the final report of the American Indian Policy Review Commission; this recommendation is found on page 555 of that report. I am going to quote it. It is a simple, short recommendation. It says:

> A feasibility study should be done on the creation of an Institute of American Indian Culture; an analysis to include the possibility of creating a center of knowledge capable of conferring Ph. D. degrees.

These previous recommendations are sort of guidelines that we should keep in mind and should not lose sight of, and to the extent that they would be incorporated in the final bill, will be determined by how we develop the final bill.

The bill itself is not the end; it is only the starting point. And this very first hearing today in Santa Fe is the starting point to gather the information of the Indian people throughout the country, and others interested in Indian art and culture, to develop the finest bill that we can for this Congress to consider.

The hearing is adjourned.

[Whereupon, at 3 p.m., the hearing was adjourned subject to the call of the Chair.]

APPENDIX

CORRESPONDENCE IN RELATION TO S. 2166

LETTERS IN SUPPORT

SANTA FE, N. MEX., *April 14, 1980.*

Rehearing on Bill S. 2166, Institute of American Indian Arts
SENATE SELECT COMMITTEE ON INDIAN AFFAIRS,
Santa Fe, N. Mex.

SENATOR JOHN MELCHER: Sir, I am a young American Indian lady, a resident of Santa Fe and most importantly, an artist. First of all, I would like to make clear my mixed emotions in this situation.

I could not speak English until I was 7, then I attended public school, it was very trying and difficult to adjust to society as you know it. My entire self had to readjust morals, values, culture, etc. I became resentful as I grew, and at 12, I was placed in a Catholic Mission School on the Navajo Reservation. I was at the appropriate age to absorb all of the injustice by society, government and self-inflicted degeneration. I was extremely militant in high school, active in Youth Organizations, Tribal matters, American Indian Movement—a revolutionary in all aspects. I was irritated by the presence of white society, I grew quietly competitive because the Indian people around me were hateful, depressed and defeated. I learned early, that I could relate to and trust no one, I attended college while in high school at Arizona State University under the government sponsored program, Upward Bound. Then I attended college at the University of Colorado, already an accelerated student. I had developed many high ideals and goals for myself to help my people. (Indian children that are raised traditionally have a great sense of respect and dedication to the whole.)

But . . . it was a bitter lesson to learn that the society in which I was determined to be successful at, was a farce; the individuals I met worthwhile, were far and few between. I completed college and went on to Medical school, I was severely disappointed, attended 2 years and left. My own government was unsupportive during this time.

I would like to comment on how my people reacted to me:

My mother was proud; tormented, at most times worried.
Other relatives and peers were resentful, telling me how I was one of "them".
My soul had left me . . . a white girl.

Of course I was hurt, because my upbringing was extremely traditional and religious. My background being of three tribal affiliations, Navajo, Cheyenne, Kiowa; each, my position in clan position being high.

I left school, dropped out, if you may, and returned to this area to reacquaint myself to this way of life. I had always remained an artist during each of these transitions, feeling it to be a useless profession, I never seriously made any attempts to create a career.

In 1976, I entered the Institute of American Indian Arts, discovering I was an avid, talented and bright artist. It was hard for me to accept because I was unaware of this "artistic cycle." I had no support from my Indian government to attend art school. I was inconsistent in my attendance, I was sensitive to all of the ongoing conflict and confusion here at IAIA. The facilities were limited, confused. I did not accomplish much, except to learn that this was not supportive.

I found the prospects of art education for Indians extremely limited, backwards, slow and frustrating.

Our Indian leaders are diverse, proud, respectful and protective; I think it extremely necessary for our heritage to continue. If it were to disintegrate, so would my people. This would be a regretable misfortune that could never be replaced. We are intrusting of government concerns because of past instances with our land, health, rights, and lives.

I am afraid of the drawbacks the passing of this bill will bring, because of all of the inter-tribal complications. As an artist who has lived many lives, I deeply hope for the passing of this bill, because it is a chance. And a chance is all the opportunity we need to begin.

Respectfully,

Barbara Emerson Kitsman.

Confederated Tribes and Bands,
Yakima Indian Nation,
Toppenish, Wash., January 2, 1980.

Senator John Melcher,
Washington, D.C.

Dear Senator Melcher: First let me compliment you for introducing S. 2166 as a protective measure for Native American Culture and Arts.

The Yakima Indian Nation has always been sensitive about its culture and we are happy to support the concept in S. 2166 and we encourage early hearings in the Select Committee.

Your favorable consideration for early hearings and ultimate passage of this important bill is greatly appreciated.

Cordially yours,

Johnson Meninick, *Chairman,*
Yakima Tribal Council.

Idaho Legal Aid Services, Inc.,
Boise Area Office,
Boise, Idaho, January 7, 1980.

Hon. John Melcher,
U.S. Senator,
Chairman, Committee on Indian Affairs,
Washington, D.C.

Dear Sir: This office supports the concept of S. 2166, Native American Culture and Arts Development Act and we urge the Indian Senate Select Committee to conduct early hearings on this matter.

Sincerely yours,

Indian Law Unit,
Dan Edwards,
Senior Attorney.
Tonia B. Garcia,
Attorney at Law.

Santa Fe, N. Mex., *January 19, 1980.*

Hon. John Melcher,
Russell Senate Building,
Washington, D.C.

Dear Senator Melcher: This is just a note to let you know of my support for your bill S. 2166 to promote the development of native American culture and art. I am most concerned with the preservation and development of this unique aspect of our culture, and am further disturbed with present plans for the modification, movement and other proposed changes to the government sponsored I.A.I.A. here in Santa Fe. This institution has helped to develop artists who have made significant contributions to America. This institution is unique in that it gathers representatives from the across country, not merely the Southwest. This diversity is necessary to fertilize the development of native American art.

Sincerely,

Richard A. Abeles.

Portland, Oreg., *January 21, 1980.*

Senator John Melcher,
Chairman, Senate Select Committee on Indian Affairs,
U.S. Senate, Washington, D.C.

Dear Senator Melcher: The introduction of S. 2166: Native American Culture and Arts Development Act is extremely encouraging to those of us who have a continuing committment and interest to support the preservation and development of art forms native to this country. Especially attractive is the proposal that would provide for the governance of the institution and effort by persons who are knowledgeable and experienced in the world of art.

Unfortunately, the current administrative structure of the Institute does not allow for the necessary instruction and training that prepares students well for the work ahead of them. As you are undoubtedly aware, the approach thus far has been narrow, partly because of confusion surrounding the mission and purposes of the Institute. I would hope that your efforts would lead to clarity in this matter.

The confusion that has existed in the past regarding junior college vs. art institute status definately requires resolution. There is no question that those segments of the total effort that are related to education and training need to be fully accredited. However it is known that some students have been enrolled in the school as an alternative to other "out-of-home" placement. Efforts required to support these students go beyond the usual assistance to adapt to a group living situation. These requirements have placed an inappropriate burden on the faculty and staff and take away from their efforts to support the student in his/her artistic development.

Thank you for your foresight and interest in this matter that gives singular attention to the gifted Indian student.

Sincerely yours,

Evelyn Lance Blanchard.

Cristof's,
Santa Fe, N. Mex., January 21, 1980.

Hon. John Melcher,
Russell Senate Building,
Washington D.C.

Dear Mr. Melcher: We are writing to express our support of your bill to promote the development of native American culture and art. We are in agreement of your philosophy and wish you the best of luck and success in your endeavors.

Sincerely yours,

Bill and Sande Bobb.

Dee & Davis,
New Rochelle, N.Y., January 21, 1980.

Senator John Melcher,
Care of Ms. Suzan S. Harjo,
Legislative Liaison,
The Native American Rights Fund,
Washington, D.C.

Dear Senator Melcher: We urge the Select Committee on Indian Affairs to endorse bill S. 2166 providing for the establishment of a National Institute for the development of Indian art and culture.

We heartily support the bill's concept and trust that it will have a positive influence on FY 1981 considerations.

Sincerely yours,

Ruby and Ossie Davis.

[Dictated by Ruby Davis and signed in her absence.]

Chicago, Ill., *January 22, 1980.*

Hon. John Melcher,
U.S. Senate,
Russell Building, Washington, D.C,

Dear Senator Melcher: It has come to my attention that you have introduced a bill into the U.S. Senate on behalf of the Institute of American Indian Arts in Santa Fe, New Mexico. Having obtained a copy of that bill and as an alumni of the Institute I would like to say that I wholehearted support the concepts of the Institute as you have outlined.

I am myself a full blooded Oneida Indian from The Oneida Tribes of Wisconsin. I attended the Institute from September of 1964 through June of 1966 and participated in the summer work program through August of 1966. Being of Indian descent and an artist I can assure you that the experience I acquired during the two years that I spent in Santa Fe has given me the maturity and depth of ability which has enabled me to successfully participate in several art exhibits in the Chicago area. Individually, on my own reservation, having neither the facilities nor the high caliber of personnel (i.e. Fritz Scholder, T. D. Allen, Allen Houser, etc., etc.) I seriously doubt that I would have developed that maturity.

The Institute itself was only a part of that growth. Santa Fe is a focal point for Indian Art Culture and for American history which is such an integral part of so many sociological cultures, Spanish, Mexican, White as well as Indian. The countryside surrounding the Santa Fe area and indeed the entire southwest is so conducive to spontaneous creativity that I shudder to think what might be the fate of the Institute should it be moved into such an artistically sterile environment as Lawrence, Kansas.

In addition, speaking from my own experience, I found it to be a time of emotional growth and development, a time to gain poise and self confidence not only as an artist but as an individual, and an independence not easily learned in a reservation atmosphere. The social experience of being with a peer group, sharing a common bond, meeting and feeling comfortable with people, and sharing cultural ideas is a lesson in itself.

Again, I commend your effort on behalf of the Institute of American Indian Arts.

Sincerely,

Judith Jourdan McDaniel.

[Mailgram]

Cheyenne River Sioux Tribe,
Eagle Butte, S. Dak., January 23, 1980.

Senator John Melcher,
Chairman, Committee on Indian Affairs,
Washington, D.C.

This is to inform you that the Cheyenne River Sioux Tribe, Eagle Butte, South Dakota, support S. 2166, Native American Culture and Art Development Act of bill to provide for the establishment of a national institute for the development of Indian art and culture.

We whole heartedly feel that the Indian culture and art has much to share and contribute to each other and non-Indians.

We have waited 10 years since the Senate Subcommittee on Indian Education in its 1969 report recommended the creation of such an institute.

We are optimistic that the recommendation will become a reality that will increase the public knowledge and understanding of Native Americans.

Sincerely,

Melvin Garreau,
Tribal Chairman,
Cheyenne River Sioux Tribe.

American Indian Center of Omaha Inc.,
Omaha, Nebr., January 23, 1980.

Senator John Melcher,
Chairman, Senate Select Committee on Indian Affairs,
Dirksen Senate Office Building, Washington, D.C.

Dear Senator Melcher: We support your bill on Native American culture and art. We wrote support letters to continue the Indian Arts Institute in New Mexico when it was being considered for closing.

Last summer we sponsored the play "Footprints in Blood," the story of the Ponca Tribe. We are enclosing a commemorative booklet of the historical event. We feel that the culture and art of Native Americans should be preserved for future generations to enjoy and appreciate. We commend you for introducing this bill along with the other Senators and hope that it passes.

Respectfully,

Timothy F. Woodhull,
Executive Director,
American Indian Center of Omaha, Inc.,
Urban Representative, Nebraska Indian Commission.

CROW AGENCY, MONTANA,
January 23, 1980.

Senator JOHN MELCHER,
Chairman, Senate Select Committee on Indian Affairs,
U.S. Senate, Washington, D.C.

HON. SENATOR MELCHER: As an advocate of American Indian Culture and its practices, I wish to express my full support and endorsement on S. 2166 Native American Culture and Arts Development Act, which you introduced.

I strongly urge early hearings in the select committee and in full support of the bills enactment.

Yours truly,

LLOYD G. OLD COYOTE, *Secretary,*
Crow Tribe Historical and Culture Commission.

DARTMOUTH COLLEGE,
Hanover, N.H., January 25, 1980.

Senator JOHN MELCHER,
Chairman Senate Select Committee on Indian Affairs,
Senate Office Building, Washington, D.C.

DEAR SENATOR MELCHER: I am writing to strongly endorse the concept inherent in your bill (S. 2166) proposing the creation of National Indian Institute to further the study and expression of Native American arts and culture.

Such an Institute would not only build upon the considerable strengths already developed by the Institute of American Indian Art, but would consolidate many of the efforts being made at Programs like ours at Dartmouth around the country. The establishment of a National Indian Institute would encourage the study of Native American art and culture which would in turn positively influence the growth and acceptance of the academic field of Native American Studies.

I would hope that hearings on this bill will take place in the near future. If I can be of any assistance as the legislation progresses, please do not hesitate to call upon me. But in the meanwhile please know that the Native American Studies Program and the Native American Council at Dartmouth College gives full support to the ideals expressed in your most timely and appropriate proposal.

With best wishes,

Sincerely,

MICHAEL A. DORRIS,
Chairman and Associate Professor.

AMERICAN FRIENDS SERVICE COMMITTEE,
Dayton, Ohio, January 25, 1980.

Senator JOHN MELCHER,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MELCHER: I am writing to commend you on Bill S2166, which you and Senator Hatfield and others have introduced. I am writing to urge you to bring this bill to the consideration of the Senate at the earliest possible time. I am sure that this kind of expression of concern about Native Americans can be one of the most positive things which the United States can do. I think it would be highly appropriate for this type of action to be taken immediately and it would be a real affirmation of the integrity of the Native American people in the United States. I would like to commend you for the bill which you have proposed and would urge you with all possible haste to have your committee put the bill on the floor of the Senate.

Be assured that I will use all of my concern and contacts to urge others to support this very fine effort on your part in the future.

Sincerely,

JAMES R. HIPKINS,
Executive Secretary.

St. Ignatius, Mont., *January 28, 1980.*

Senator John Melcher,
Capitol Hill,
Washington, D.C.

Dear Senator: I have recently been made aware of the legislation you introduced regarding Native American Culture and Arts Development Act. (S.-2166).

I believe that the ideas incorporated in this bill are excellent. I would urge that you do everything you can to see that this bill becomes law.

I am a member of the Flathead tribe and own and operate the Flathead Indian Museum, Trading Post and Art Gallery here in St. Ignatius. I have been in the Indian art business for years and am nationally recognized in my field.

If the need arises I would be more than happy to appear as a witness in favor of the bill.

Keep up the good work in this area.

Sincerely,

Doug Allard.

The Jamison Galleries,
Santa Fe, N. Mex., January 29, 1980.

Hon. John Melcher,
Russell Senate Building,
Washington, D.C.

Dear Senator Melcher: I am writing to express my support for the Institute of American Indian Arts in its present structure and form, and in its location here in Santa Fe.

The Institute has made a great contribution to the community in the Arts. As you know, Santa Fe is a residential art community of long standing, and at this time a drawing card for collectors and appreciators of Southwestern Art in particular. To have the Institute here affords enjoyment not only to the residents of Santa Fe and Northern New Mexico, but to the many interested visitors who come here each year.

The encouragement of its students to express their talents in a disciplined and meaningful manner is obvious in the fine caliber of work produced by many graduates of the Institute.

We look forward to the future of IAIA in Santa Fe.

Sincerely,

Z. B. Conley, Jr.,
Director, The Jamison Galleries.

The Creek Indian Memorial Association,
Okmulgee, Okla., January 30, 1980.

Senator John Melcher,
U.S. Senate,
Washington, D.C.

Senator Melcher: I am writing this letter to you concerning the bill S. 2166, Native American Culture and Arts Development Act. It is my opinion that the bill should be acted on as soon as is possible. I am especially concerned that the Institute of American Indian Art in Santa Fe remain in the tradition it has set as an institution and in its present location, Santa Fe. In my thinking, removal of the Institute to any other location would undermine the operations and purpose of the entire program. It is my hope that you will work in support of the bill and act on S. 2166 as soon as is possible. Thank you for your attention to this matter.

Sincerely,

Bruce M. Shackelford,
Curator-Director.

The Gallery Wall, Inc.,
Santa Fe, N. Mex., January 30, 1980.

Hon. John Melcher,
Russell Senate Building,
Washington, D.C.

Dear Senator Melcher: It has come to my attention that you have recently presented a bill before Congress titled "Native American Culture And Art Development Act." I have read a copy of the draft presented in December and would like to voice my support of the concept you have developed.

As former Assistant to the Director of the Santa Fe Festival of the Arts and as Manager of The Gallery Wall in Santa Fe, I have had close association with the Institute of American Indian Arts. The Gallery Wall represents several native American artists, who have either studied at the Institute or taught there.

The Institute of American Indian Arts has made a significant contribution to native American people and to the Santa Fe community, as well. Its history and facilities make it an appropriate location for an Institute of Native American Culture and Arts Development.

Sincerely,

LINDA MONACELLI,
Santa Fe Gallery Manager.

THE GALLERY WALL, INC.,
Santa Fe. N. Mex., January 30, 1980.

OHN MELCHER,
Senate Building,
ington, D.C.

DEAR SENATOR MELCHER: As a native American and a former student of the Institute of American Indian Arts, I would like to express my support of your bill, which proposes that the IAIA facilities be used for an Institute of Native American Culture and Arts Development.

Your work in this area of vital importance is appreciated.

Sincerely,

DAN NAMINGHA.

THE UNIVERSITY OF ARIZONA,
COLLEGE OF LIBERAL ARTS, AMERICAN INDIAN STUDIES,
Tucson, Ariz., January 30, 1980.

Senator JOHN MELCHER,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MELCHER: I note from various papers and articles that you have introduced S. 2166 which deals with the Native American Culture and Arts Development and related matters.

Although I cannot attend any of the hearings unless they happen to coincide with a trip east, I would like to submit a written statement for the record on this proposed piece of legislation. If there are any deadline with respect to submitting this matter, I would appreciate knowing as soon as possible so that I can submit my written comments in time.

Thank you for introducing this legislation. Although I think certain amendments are in order in this proposal, it nevertheless represents a long-needed effort to give institutional structure and form to a rather nebulous and sporadic subject.

With best wishes,

VINE DELORIA, Jr.,
Chairman, American Indian Studies Committee.

APO SAN FRANCISCO, CALIF.,
February 1, 1980.

Senator JOHN MELCHER,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MELCHER: I read of the bill called the Native American Culture and Art Development Act you introduced on December 1979.

I am most intrigued.

I was teacher, Art Director and Special Projects Director at the Institute of American Indian Arts in Santa Fe, New Mexico from its beginning in 1962 (in fact, I arrived there May 1962) until I left in 1973 to take my present position. At present I am Arts and Humanities Coordinator for the Department of Education Dependents Schools in Japan, Korea, Okinawa and the Philippines. (Living in Okinawa, Japan.)

I certainly believe and support your proposed bill—what you propose as a Center is needed and essential to the various cultures in America—and could become a prototype for countries any where in our world needing cultural integrity and support; requiring a care full emergence and open prominence among all world cultures. I see the need here in Asia every day among the young people in particular and the older, wise people wanting to develop in their youth an active participatory awareness of who they are and can become.

Can I help you? How?

Would you send anything to me you have about the bill and your proposals? Just now I am involved in arts/inter-cultural materials development for our over 30 American overseas schools. I bring artists, poets in residences in our schools from the US and Asian countries. I am publishing the creative work of our students and teachers. I am in communication with Dave Warren in Santa Fe; Ann Taylor in Albuquerque; Bob Semples in Tiburon, Charles Zoloma at Hotevilla, Elizabeth Rosenthal in Tucon—so many about waiting and working toward what you are proposing. What can we do?

Thank you for reading.

Do correspond.

Sincerely,

JIM MCGRATH.

NATIVE AMERICAN CHURCH OF NORTH AMERICA,
UNITED STATES, CANADA, AND MEXICO,
February 1, 1980.

Senator JOHN MELCHER,
Chairman, Select Committee on Indian Affairs,
U.S. Senate,
Washington, D.C.

DEAR SIR: This is a letter of support in the establishment of the Native American Culture and Arts Development Act. Such establishment would develop better understanding of the Indian Culture Heritage and the Artistic Talent which so many Indians are noted for.

I further believe its only humanistic that such an Act be introduced for the Indians so they could preserve their unique culture instead of losing it through insensitive treatments resulting from a lot of misunderstandings.

This should not only cover the subjects as mentioned above, but rather include the religious aspect as well.

If I could be of further assistance, don't hesitate to call on me.

Sincerely,

EMERSON JACKSON,
President, Native American Church.

STATE OF CALIFORNIA, GOVERNOR'S OFFICE,
NATIVE AMERICAN HERITAGE COMMISSION,
Sacramento, February 6, 1980.

DEAR COMMISSIONERS: Recently, Senator John Melcher of Montana introduced in Congress legislation (S. 2166) for the establishment of a national institution for the development and enhancement of Indian art and culture.

Passage of this measure would result in the creation of a "Federal Institute of Native American Culture and Arts." This institute, under the direction of a board made up of Indians and federal cultural heritage authorities, would provide a means whereby Indian art and culture would be preserved, revitalized, and disseminated. The institute would be given the authority to establish several programs and centers devoted to the practice, study, and promotion of various aspects of Native American cultural heritage. The bill would also authorize the creation of a Museum of Indian Arts which would acquire, curate, and exhibit Indian art.

Lastly, as the bill is currently written, the institute would be authorized to undertake whatever else is deemed appropriate to the preservation, support, revitalization, and dissemination of Indian arts and culture. We are enclosing a copy of S. 2166 for your own review.

Although the staff has not fully investigated the background of this bill, our initial analysis suggests that S. 2166 may warrant the attention and possible support of the Commission. Special consideration could also be given to the possibility of broadening the proposed authority of the institute to include implementation and enforcement of P.L. 95-341, the American Indian Religious Freedom Resolution of 1978.

Since this matter is of such interest to the Commission, I suggest that we discuss it at the next Commission meeting. Please let me know what your feelings are on this suggestion and the bill itself.

Very truly yours,

VICTORIA L. ROBERTS,
Acting Executive Secretary.

FRIENDS COMMITTEE ON NATIONAL LEGISLATION,
Washington, D.C., February 8, 1980.

Senator JOHN MELCHER,
Chairman, Senate Select Committee on Indian Affairs, Dirksen Senate Office Building, Washington, D.C.

DEAR SENATOR MELCHER: I am very much interested in S. 2166 for the establishment of a National Institute of Native American Culture and Art Development. I believe I have background and experience that provide me some insights on the importance of this bill.

I am a Catholic priest and member of the Jesuit order now serving on the staff of both the Friends Committee on National Legislation and the National Office of Jesuit Social Ministry.

For over twenty-five years I have served in educational, pastoral and social ministry among Indian peoples in South Dakota (Rosebud, Pine Rige and Rapid City), Kansas and Minnesota. In 1969 I started the Red Cloud Indian Art Show in Pine Ridge, South Dakota. It continues to this year when it will run from mid-June to mid-August and is now probably the most significant Indian art exhibit in the northern plains.

On behalf of the Friends Committee on National Legislation and the National Office of Jesuit Social Ministries, I would like to testify at the hearings on S. 2166.

I await your answer.

Sincerely yours,

TED ZUERN, S. J.,
Legislative Assistant.

UNITED INDIANS OF ALL TRIBES FOUNDATION,
Seattle, Wash., February 12, 1980.

Senator JOHN MELCHER,
Chairman, Senate Select Committee on Indian Affairs, Old Senate Office Building, Washington, D.C.

DEAR SENATOR MELCHER: I wish to express in the strongest possible terms our support for Senate Bill 2166, whose purpose is to provide for the establishment of a National Institute for the Development of Native American Culture and Arts. We urge the scheduling of early hearings for this measure before the Select Committee, and the encouragement of sponsorship and cosponsorship for identical legislation to be introduced in the House of Representatives for its prompt consideration. We pledge our support for the passage of S. 2166, and offer to send a representative of the Foundation to attend hearings at the appropriate time to furnish testimony in favor of its enactment.

The establishment of an autonomous Institute for the Development of Native American Culture and Arts directed by an independent and distinguished Board of Trustees, as outlined in S. 2166, offers opportunities for these essential cultural and arts facilities. The broadened capacity and strengthened role of the proposed Institute would create a cultural resource of great depth and richness to all Americans.

We therefore support efforts for the enactment of S. 2166. If I may be of assistance in any phase of the legislative process, please do not hesitate to contact me.

Sincerely yours,

PETER SCHNURMAN,
Associate Director.

Mission Indian Bands Paralegal Consortium,
Escondido, Ca., February 14, 1980.

Senator **John Melcher**, Senator **Daniel Inouye**, Senator **Dennis DeConcini**,
Senator **William Cohen**, Senator **Mark Hatfield**,
Select Committee on Indian Affairs, Suite 6313 Dirksen Building, Washington D.C.

Dear Senators: In behalf of the Mission Indian Bands Paralegal Consortium, an organization composed of nine Southern California Indian Bands, I wish to express our support of Senate Bill 2222 and Senate Bill 2166 (H.R. 6266).

I hope that each and everyone of you will also support this legislation.

Sincerely,

Pamela Lou Aldridge, Esq.

American Indian Center of Omaha Inc.,
March 20, 1980.

Max Richtman,
Staff Director, Select Committee on Indian Affairs, Dirksen Senate Office Building, Washington D.C.

Dear Mr. Richtman: America through its materialistic process has, for the most part, failed to preserve native American art and culture. This fact has not only hurt native Americans as a people but it has deprived the whole of mankind of the objects of beauty made between man and nature. It has left little to share between mankind of a beautiful civilization which is forever lost. America has taken native culture for granted thus denying the world richness in our culture and heritage.

The many different cultural aspects of North American Indians still remain today and can be salvaged provided the Government gives its support. S. 2166 will do that.

There has been some effort to develop art and culture in the south-west but nothing seemingly has been done to perserve history of the great plains. We believe that some consideration should be given to the great plains area when deciding where the Institute shall be established. For one thing, it should be located where there is sufficient concentration of native people to enjoy its benefits.

Today contemporary Indian people are becoming increasingly aware of their rich culture and are attempting to involve themselves with tradition and culture. Perhaps with the development of the National Institute of Native American Culture and Arts Development we could pick up the pieces while they still lie.

We would like to thank Senator John Melcher and others of the committee for their effort to create this Institute for the benefit of all of mankind and especially for us Indian people and our posterity.

Respectfully,

Timothy F. Woodhull, *Executive Director.*

U.S. Senate, *Washington, D.C. March 31, 1980.*

Hon. **John Melcher,**
Chairman, Select Committee on Indian Affairs, U.S. Senate Washington, D.C

Dear John: Thank you for informing us that a field hearing has been scheduled on S. 2166, a bill which would promote the development of Native American art and culture. As cosponsors of the bill, we are confident that it will receive the strong support of Native Americans throughout the country.

We are concerned, however, that while the bill is clearly directed at the needs of "Native Americans" and "aboriginal inhabitants of the United States," it does not include a specific reference to Native Hawaiians. It is our understanding that the sponsors of the bill intended for its provisions to apply to all Native Americans including Native Hawaiians.

Accordingly, we strongly recommend that the following language be substituted for Section 3(3) of the bill:

"(3) 'Native American' means any person who is an American Indian, an Alaskan Native, or a Native Hawaiian;"

We further recommend that "Native Hawaiian" be defined as follows in Section 3 of the bill:

"(5) 'Native Hawaiian' means any individual any of whoes ancestors were natives of the area which consists of the Hawaiian Islands prior to 1778."

As you may know, this is the same definition of "Native Hawaiian" which is used in Title VIII of Public Law 93-644 (The Native Americans Program Act of 1974). Under this five-year-old law, the U.S. Office of Native American Programs is currently funding a statewide Native Hawaiian organization (Alu Like) in Hawaii and an economic development project on the Hawaiian Island of Molokai. Furthermore, under legislation which we cosponsored and which was enacted in 1977, this same definition was included in Title III of the Comprehensive Employment and Training Act (CETA). Native Hawaiians, as defined in the Native Americans Programs Act of 1974, are also a minority group eligible for assistance under Section 8(a) of the Small Business Act.

The same definition is also used in our pending bill, S. 2131, the Native Hawaiian Claims Settlement Study Commission Act. As you know, similar legislation passed the Senate in 1977 but failed to pass the House of Representatives before adjournment sine die of the 95th Congress. Nonetheless, the status of Native Hawaiians as Native Americans is clearly established by the three existing federal laws and we believe that they should be consistently defined in the pending "Native American Culture and Art Development Act."

Your favorable consideration of this suggested amendment with appropriate recommendation to your Committee would be very much appreciated.

Aloha and best wishes.

Sincerely,

Daniel K. Inouye,
Spark Matsunaga,
U.S. Senators.

Kamiah, Idaho, *April 3, 1980.*

Hon. John Melcher,
Chairman, Select Committee on Indian Affairs, U.S. Senate,
Washington, D.C.

Dear Sir and Members of the Committee: I submit to you my statement and support, for the basic principles of S-2166, The Native American Culture And Development Act, introduced by Senator Melcher.

I have been a strong advocate in promoting programs and/or legislation which propose to promote the preservation and protection of the American Indian heritage.

The Indian people have been confronted with a long history of exploitation and misinterpretation of their history and culture and consequently we have been marked with a stereotype image, which have been supported with movements of genocidal aims, to destroy our culture and beliefs.

I strongly support S-2166, as it relates to its purpose and intent, in calling for the retention and protection of American Indian culture.

I would like to call attention to one section of the proposed legislation that creates a highly controversial problem, under Section 4(m), which relates to the Institute of American Indian Arts, at Santa Fe, the second sentence (in part) "shall transfer, by appropriate instrument, all jurisdiction and control over such real property and improvements to the Institute."

I urge that the bill be amended by striking out the second sentence of Section 4(m). The reason that I feel this sentence should be stricken are:

a. The Santa Fe Indian School enrollment declined sharply, in the 1960s and Commissioner Phileo Nash made the unoccupied areas of the school a location for an Institute For American Indian Arts.

Considering the geographic differences in culture and history of the American Indian people, such as the Southwest, the Plains, the Plateau and the coastal tribes, the Santa Fe and even the Intermountain Indian School, at Brigham City, Utah has somewhat been controversial with the Plains and Northwest tribes. The Southwest dominates, our students or cultural concerns become secondary.

I feel that the Committee should give this some deep thought, as to how it will reflect to our Northwest tribes.

b. If there are to be considerations given as to jurisdiction and control of property, only to be "relocated" in the Southwest, many of the Northwest and Plains tribes may take a negative view.

Like the Navajo, the Nez Perce Tribe is proud of its heritage, the traditions and cultural values, as well as its history, and as such should remain to be preserved in its rightful place.

Gentlemen, I wish to thank you for your time in considering my presentation made with regards to my support for S-2166, as herein, stated. Thank you.

Respectfully,

Allen P. Slickpoo Sr.
Historian & Advocate For Nez Perce Cultural Values.

CREEK COUNCIL HOUSE MUSEUM,
Okmulgee, Okla., April 3, 1980.

JOHN MELCHER,
Chairman, U.S. Senate,
Select Committee on Indian Affairs,
Washington, D.C.

DEAR MR. MELCHER: I am submitting this letter in support of the passage of the "Native American Culture and Art Development Act", Bill S. 2166. I am writing with particular reference to the location of the Institute and its relationship with other Museums.

I feel that the relocation of the Institute of American Indian Art to any other location other than Sante Fe, New Mexico, would be a mistake and a dis-service to the students of the Institute. Sante Fe is known as an international center in the area of Native American Art. An important part of any artist's training is a familiarity with the commercial market-place and the goods that are promoted. I feel that this knowlege could not be acquired as well in any other location other than Sante Fe. As a past Art teacher in an Oklahoma University, I found the Native American students limited in their concepts of the Art market and the stylistic variations in Native American Art. It was difficult to impart this information "second-hand" and give an accurate view of the possibilities in the field. The Oklahoma Art market tends toward conservative, traditional styles that gives the student a narrow vision of future possibilities outside of traditional concepts. Sante Fe offers choices. All forms of Native American Art can be seen from 19th century beadwork to the most recent approaches with easy access and no difficulty of travel. In any other state, travel expenses to view the variety of choices that Sante Fe offers would be prohibitive and will become more costly in the future, The best location for the Institute of American Indian Art is its present location in Sante Fe.

With reference to the Institute's relationship to other Museums, I feel that the Institute is an invaluable source for information and exhibits. The Institute makes available small exhibits at minimal costs. This enables the small Museum with a limited exhibition budget to have changing exhibits of Native American Art that would otherwise be unavailable. The Institute also serves as a source for any type of information concerning Museums from staff management to exhibit design. Much of the information provided is aimed at the Museum with a limited budget, and provides innovative and creative solutions to what sometimes appear to be insurmountable problems. I presently have in my files a number of pages of information from the Institute that I have referred to on a number of occassions. I am presently making plans to utilize more of the Museum Exhibit services in the future.

In closing this letter I would like to say that if any problem exists with the Institute, it is that its functions, purposes, and services are not more widely known to the Museum community. Thank you for your attention on this matter.

Sincerely,

BRUCE M. SHACKELFORD,
Curator-Director.

DEPARTMENT OF DEFENSE,
DEPENDENTS SCHOOLS,
FPO Seattle, April 4, 1980.

JOHN MELCHER,
Chairman, Select Committee on Indian Affairs, U.S. Senate, Washington, D.C.

DEAR SENATOR: Thank you for your informative letter of March 30, 1980 outlining the scheduled public hearing on S. 2166, April 14, 1980 at the Institute of American Indian Arts in Santa Fe, New Mexico.

I wish to submit the following as written testimony for the record. Please feel free to use any of what I write as testimony for S. 2166.

I am James McGrath, Arts and Humanities Coordinator for the U.S. Department of Defense Dependents Schools in the Pacific Region, i.e., Korea, Japan, Republic of the Philippines, and Okinawa. I have been in this position since August, 1973. I have been a government employee since August, 1955.

Of course I know the Institute of American Indian Arts (I.A.I.A.) very well. I arrived there on May, 1963 (after 8 years teaching and as Arts Administrator in the DOD Dependents Schools in Europe) just at the time George Boyce, Wilma Victor, Oleta Merry Boyce, Lloyd New, and Alvin Warren were formulating the concepts for what became the I.A.I.A. I was hired as the Assistant Director of Arts and teacher of Indian Aesthetics, Basic Design, Exhibition Arts (Museum

Training), Painting, and Publication Arts. A full schedule. We opened the I.A.I.A. in October, 1962 to the first group of students. We all worked so very hard during those early years to see that the I.A.I.A. fullfilled the promise of both the Native American people who sent their children to us as well as the government people who supported the project and those who worked at the Institute. The clientele was multi-faceted and complex.

Later on, I became the Art Director and Special Projects Director and developed and taught the Teacher Education Division. (Part of our Art Department Administrator philosophy was to keep in the classroom as well as we could.)

I left I.A.I.A. in August, 1973, after 11 years there to assume my present job in the DOD Dependents Schools.

Of course experience coupled with a certain conviction and feeling of intuition clearly helps me to state strongly that converting the present I.A.I.A. from a Bureau of Indian Affairs Institution into a National Native American Center is the dream of many people and I feel is essential and right; providing that the proposed Center retain the basic I.A.I.A. functions: First, the basic objectives of the Institute for artistic training, cultural awareness, understanding, and growth of Native American cultures; collecting, maintaining, and exhibiting Native American Arts including visual arts, crafts, oral literature, dance, music, cooking, architecture, medicine, and all related "arts" areas: these are the core of any Native American Center. Already the Institute Museum/Gallery and Dr. Dave Warrens Research and Cultural Studies Division of I.A.I.A. are programed for this work and are limited only by funding, facilities, and staff. I feel that what the Institute program has achieved already is certainly compatible with the S. 2166 concepts. And further, there has been a long standing need for a Western Hemisphere Native American Institution. The 1980's are a right time for it. A sense of community among peoples is required more and more for survival and growth. How timely it is for the Native Americans, who are essentially the essence of community, to be "authorized" to lead the way for such a Center in the United States.

I was a U.S. State Department Specialist in Native American Arts and Culture during 1966–1968. I designed and escorted an extensive exhibition of traditional and contemporary arts via the Institute and the Center for the Arts of Indian America in Washington D.C. throughout several capitals in the world. With the exhibit was Navaho sandpainter Fred Stevens and his weaver wife Bertha, from Canyon de Chelly, Arizona. We began at the Edinburgh Festival in 1966, went to the Horniman Museum, London; to the Berlin Festival, West Germany; to Ankara, Turkey. Then we went to the Museo de Bella Artes, Buenos Aires, Argentina; Bibleotioteca Nacional, Santiago, Chile; to the 1968 Mexican Olympics before disbanding at the I.A.I.A. in 1968 following our being at the Wichita Arts Center in Kansas.

This cooperative venture between the Interior Department and the State Department was during the period Stewart Udall was Secretary of the Interior and Mrs. Stewart Udall was Director of The Center for the Arts of Indian America: both were important supporters of I.A.I.A. during those years. They saw that performances and exhibitions from I.A.I.A. were held in Washington, D.C. and New York City. They were instrumental in securing Paoli Soleri as designer for the theater on the campus at I.A.I.A., and that Indian dance groups went to the White House.

From the period as Specialist in Native American Arts and Culture with the State Department, I know what an impact that the exhibition and the Navaho people had with the local arts people, the laymen, the government officials, and the indigenous people in South and Central America not to mention the special sense of "belonging" with weavers in Turkey. The months touring under the auspices of the State Department had a profound influence on many peoples. There were people everywhere ready then to help create something, somewhere to support Native American tradition and to extend the arts into contemporary life. Lloyd New, then Director at the Institute of American Indian Arts, wrote many exemplary articles about "extensions" of Native American culture. I recall a deep, vital interest for such a Hemisphere Center by people in Argentina, Peru, Chile, Mexico, Alaska, Canada, during my Specialist time. Perhaps the sixties were seed planting time for the 1980's and your committee work.

This "extension" of Native America cultures that I speak of—extensions of traditional life into contemporary life—is not simple in so many ways, and again, it is so very natural. Proof is seen through many Native Americans today: the Native American theater group that started with I.A.I.A. students at La Mama Theater in New York City; former students of I.A.I.A. who developed and managed their own tribal museums such as Harry Walters at the Navaho Community College; writers such as Ramona Cardin Wilson, Emerson Blackhorse Mitchell, Janet Campbell Hale, Anna Lee Walters, Larry Littlebird; painters such as Earl Eder, Linda Lomahaftewa, Kevin Red Star, Dan Namingha; sculptors such as Doug Hyde; filmmakers such as George Burdeau: ever so many who worked out of their Native traditions, beginning at I.A.I.A. . . . retaining their traditions for themselves, for others, functioning successfully in the American/world art milieu. And then, not to mention all those young people who returned to their homes from I.A.I.A. and/or advanced training institutions to become teachers and aides, to maintain their dances, their weaving, beadwork, cooking: their culture.

I am sure there are groups and energetic individuals in many places to support the proposed Center: the Cultures and Arts of Native Americans in Oklahoma; the National Indian Youth Council; the Dineh-Quetzelcoatl University at Davis, California; the East West Center in Honolulu, Hawaii; the Native American Center in New York City; the Society for Intercultural Education in Tucson, Arizona just to name a few groups. The battle, and indeed it is a sort of battle, between the critics of both the Institute concepts and the extension prospects of Native American Arts, and the supporters of each philosophy will always be there. It is the nature inherent in growth, tradition, change, and energy. The secret I sense will be who will be on the Board of the proposed Center; who will be the President/Director and his staff; what will be the essential goals and objectives; what are the modes for achieving the objectives; just who/what the staff will be; what is the potential environment in which the Center will function. I do not believe anyone really wants a "permanent" resolution except one that states as the bill does: "to promote the development of Native American cultures and art." And that, Senator Melcher, is diverse, varied, flexible, intolerant, and contains a multitude of parodoxes: and it must have those qualities to stay alive and to grow.

I do believe that the Indian Arts and Crafts Board has proven itself to be a strong and sensitive support of Native American Culture—the Board has maintained the highest standards of dignity and care. It has never swung too far to any extreme and has over the years had many very special active members including Vincent Price, Alvin Josephy, and others of international reputation. The Arts and Crafts Board must somehow be closely connected with any National (International) Native American Center. The Board has consistently supported quality, sincere cultural arts programs whether they be at the Browning, Montana Indian Museum, the Worlds Fair at Montreal, Canada, or in Cherokee, North Carolina.

Then the Museum of the American Indian, Heye Foundation in New York City was usually at odds with much of the I.A.I.A. philosophy, mainly due to the past M.A.I. directors basic philosophy, I believe. That Institution should be tied in somehow with any Native American Center. And the Smithsonian Institution, which was always cooperative about artifact loans and professional assistance to I.A.I.A. should be tied into any Center as well. The North American Indian Museum Association is important, covering as it does both the United States and Canada. In time, I would expect that all the southern hemisphere would be involved. Perhaps the best informed person available for any official work related to the Center is Dr. Dave Warren, the present Director of the Research and Cultural Studies Development Section at the Institute of American Indian Arts in Santa Fe. There he has been constantly at work with and through many tribal groups in the United States with unique projects, many of their own creation and development. His own professional studies and experiences with the Native Cultures of the American Indian provide him a unique service background coupled with his deep sensitivity and commitment to rightness. Being of Native American background and having worked and lived in a multi-cultural world with humbling successes gives me a feeling his energy is essential to any Native American Center as S. 2166 proposes. I advise your committee to see and listen to Dave Warren.

Of course, I see either the present I.A.I.A. the core facility requiring additional facilities for research, expanded facilities for museums and cultural training centers; a re-structuring of dormitory units for short and long term residencies. There should be a tie-in with international communication systems as well as with groups of Native Americans. I recall a most positive exchange with Hawaiian peoples via the University of Hawaii and I.A.I.A. and there were international creative contacts with the Maori of New Zealand and the Aborigines of Australia as well. Since being in Asia, a Native American Center must become aware of the developments in South Korea via their Folks Villages, and the work being done in the Philippines as well as centers in Japan and Indonesia.

And certainly there must be ties with the National Endowment for the Arts, and the National Endowment for the Humanities, the American Crafts Council, the National Humanities Faculty and many others. What else to write . . . perhaps to finally indicate that there is a well established, silent chain of Native Americans and non Native Americans waiting for such a Center, for such a bill as S 2166. Many will surface immediately, many will come forward only after the directions are clear, even only after being invited. There will be much controversy, anger, and joy. First, listen to the TIMES and in the space of listening, the voices will ring clear and the sleeves will get rolled up for working. I see your committee providing an active support system for developing, preserving, extending, and understanding Native American Cultures.

The Native American Cultures already have an inner support system. Our government has a responsibility to allow that to keep alive in security. There will be no way to avoid controversy. That provides strength too.

Then, I feel that the Director/President and the Center's Board Members and Center Staff must be made of a wisdom and sensitivity of the past coupled with deep flashes and actions of divine inspiration for the future.

So much of the cultures that are the birthrights of all the peoples in the Americas are lost already or may be found in historical collections and archives or as surviving living treasures. Unless the Center becomes a reality, that endangered element of American Culture to be found within the Native Americans may be lost totally, not just bit by bit, and its values to the future of humankind never known. First and foremost, its survival must be guaranteed.

Please feel free to use any of what I have written as testimony for the record in your Select Committee on Indian Affairs for S. 2166. And do keep me informed of your progress and set-backs. I am vitally interested.

Sincerely,

JAMES MCGRATH,
Arts and Humanities Coordinator,
DODDS—Pacific Region.

UNITED INDIANS OF ALL TRIBES FOUNDATION,
Seattle, Wash., April 9, 1980.

Senator JOHN MELCHER,
Chairman, Select Committee on Indian Affairs,
Old Senate Office Building,
Washington, D.C.

DEAR SENATOR MELCHER: On behalf of the United Indians of All Tribes Foundation, I would like to submit the following testimony for consideration by the Committee during its April 14, 1980 hearing at Santa Fe, N.M. regarding S. 2166.

The United Indians of All Tribes Foundation generally supports both the overall concept and the basic provisions of S. 2166. The Foundation considers that this Bill aims at providing a stable administrative structure for an Institute of Native American Culture and Arts Development which will preserve and strengthen the current services of the Institute of American Indian Arts, and which will enlarge its focus and functions in ways beneficial to the national recognition of the value and importance of all Native American cultures and art forms. While not wishing to enter the political debate concerning utilization of the existing Cerillos Road facility, The Foundation feels that it has a proper role in supporting initiatives which genuinely give promise of assisting the proposed Institute to realize its full potential as a national center for broad research, teaching, and learning in the extensive and rich areas of Native American cultures and arts. With respect to the specific issues raised by Senator Melcher's letter, shall respond point by point in the ensuing paragraphs.

1. In any local dispute or litigation regarding issues which may fall under the jurisdiction of the Indian Religious Freedom Act of the Archaeological Resources Act, it would seem appropriate for fellows of staff members of the Center for Native American Scholars and/or the Center for Culture and Art Studies (as described in Section 5, subsections 1 and 2 S. 2166) to respond to requests made by officials of the concerned tribe(s) or band(s) by offering court testimony of *amicus curiae* briefs to assist in the resolution of such issues. In no case, however, must the inherent rights or prerogatives of the Indian entity(ies) immediately concerned be abrogated or curtailed by such assistance.

2. The Foundation supports the proposed composition of the Institute's Board of Directors detailed in S. 2166 as being sufficiently broad in representation and

distinguished in membership to assure the Institute of a stable, informed, sensitive, and publicly visible administration. The Foundation would equally support alternative proposals which would successfully guarantee this essential result.

3. The Foundation does not wish to make specific recommendations as to the geographic location of the proposed Institute. We are certain that due consideration will be given to such basic site requirements as sufficient space for needed facilities, proximity to major transportation/communication networks, convenient national public accessibility, etc.

The Foundation would, however, like to raise the question of the real advisibility of a regionalized approach to the siting of the Institute. Recognizing the very large cultural and artistic differences between Native American tribal groups, the Foundation feels that a more balanced and accurately representative national Institute might result from the establishment of several regional centers in place of a single centralized facility which would, of necessity, be remote from several equally important Native American cultural areas. It is felt that this regionalized concept would be especially appropriate to the establishment of the Institute's Museum component.

4. The Foundation feels that the relationship between the proposed Institute and other public or private Indian-controlled Museums should build on the relationship already established between the IAIA Museum Program and other Indian Museums across the country. Specifically, the Foundation supports an expanded role for the Institute's Museum component which stresses the continuation of cooperative, coordinative efforts among Indian Museums and the Institute, the function of a National Indian Arts Museum as a no-cost/low-cost resource for loan exhibition materials, and the provision by such a National Museum of full Museum staff training and technical assistance services to cooperating Indian-controlled Museums throughout the country.

Finally, I would like to reiterate the United Indians of All Tribes Foundation's earnest support for the establishment of an Institute of Native American Culture and Arts Development such as is provided for by S. 2166. If I can amplify these remarks usefully, or supply any additional information to the Select Committee, please contact me at your convenience.

Sincerely,

PETER SCHNURMAN,
Associate Director.

ALASKA STATE COUNCIL ON THE ARTS,
Anchorage, Alaska, April 14, 1980.

Hon. JOHN MELCHER,
Russell Senate Building,
Washington, D.C.

DEAR SENATOR MELCHER: I am writing on behalf of the State Arts Council's Traditional Native Arts Program. At a recent meeting, the Native Arts Advisory Panel discussed S. 2166, Native American Culture and Art Development Act. (This Panel represents the Tlingit, Eskimo, and Athabaskan cultures in Alaska.)

The Traditional Native Arts Panel was very enthusiastic about the proposed legislation, and we would like to offer our support of it. We would like to request that you keep us informed of the bill's progress, if possible.

As a program which has been developed to encourage and support the maintenance and preservation of the traditional arts of Alaska Natives, we are very interested in the bill, and we do have several concerns with S. 2166.

One of our concerns is that the bill seems directed mainly to continental U.S. Indians. Thus, we would like to request that the bill reflect more directly, perhaps the most viable of all Native American cultures in the U.S., the Alaska Natives. Furthermore, in Sec. 3(4), although "Indian tribe" is defined as including Alaska Natives, Alaskan Eskimos are not properly called "Indians."

A second concern we have is the lack of Native representation on the Board of Trustees. As it is outlined, only seven of the nineteen Board members must be Native American. We feel that at least half of the membership on the Board should be Native American.

Third, because of the relative isolation of Alaska from the continental U.S., and because of the quite different circumstances of residence in Alaska, we would like to suggest that the law designate that one of the Board members be an Alaska Native.

We would like to re-emphasize our strong support for the Native American Culture and Art Development Act. It is long overdue, and it is a proposal that has great merit. Please do keep us informed of its status.

Sincerely,

Suzi Jones,
Director, Traditional Native Arts Program.

Toppenish, Wash., *April 18, 1980.*

Max Richtman,
Dirksen Senate Office Building,
Washington, D.C.

Dear Mr. Richtman: Responding to your request in a letter dated March 13, 1980 to Johnson Menineck, Yakima Tribe, I am writing my personal feelings regarding Bill No. S. 2166 to promote development of Native American Culture and Art. I support it.

The Academic Institutions have rejected Native American Culture, Art, Language, and History for two hundred years. This has led to misunderstandings between the Indian and non-Indians for many years. Indian art is not considered art in the Universities and colleges. Indian history is not taught in our schools; language departments in institutions of higher learning will not accept our native language in the Language Departments. It probably is not necessary for me to tell you this, but I'm writing about it because I am a fullblood Indian, speak and understand my own language, and I teach off-campus classes from the Ethnic Studies Department at the Central Washington University, Ellensburg, Washington. I am teaching Indian history, culture, religion and reading and writing of the Yakima language, they say I am infringing on the curriculum of the Anthropology department, the history department, and language department. Yet, they refuse to allow these subjects to be taught in these departments. I can't go to certain off-campus areas to teach my own history because an anthropologist is teaching it there. Now they are talking about phasing Ethnic Studies out of existence because they are no longer functional at Central Washington University. This is the only place the local students can learn their own history, culture, and language. The non-indians learn about us from these classes so that they may be better teachers, social workers, and public servants.

The potential relationship between the Indian Religious Act, Archaeological Resources Act and S. 2166, including the proposed amendments by Indian Tribes much be respected. Regards to the freedom of religion by Native Americans should also include the National Religion of the Native American Church since this church is increasing throughout the Nation. They suffer discrimination, not only from non-Indians, but Indian tribes too, due to misconceptions and misinformation about this particular belief which is sacred.

Regards Public Law 96–95, it is imperative that we maintain full control in preservation of digging sites through the Tribes to professional archaeologists and Institutes of Higher Learning. A good example is the Makah Tribe in the Northwest, where the tribe is allowed to have trained tribal personnel work on the project, and older or aged tribal members are allowed to direct and interpret the artifacts identification. I am an anthropology major from Central Washington University and realize the importance of leaving such matters at scientific level in the hands of professionals.

Combined with the importance of ancient artifacts we have created another monster in our midst, the organized burglary ring. We have many victims on our Yakima reservation from burglaries. They can't leave their homes for a day or two without having someone breaking into their home and selectively taking ancient artifacts which were passed down through the family by their ancestors. It is reported to Law and Order, and nothing is heard from them. The victims suffer and their children are deprived of an important part of their life, the ownership of ancestral artifacts which have an important meaning.

Why can't we pass legislation to control the exportation of Indian artifacts to other countries by making sure they are legitimately owned by the dealers. There should be some sort of control on our side of the Government (U.S.).

Sincerely yours,

Virginia Beavert Martin,
Elected Executive Secretary,
Yakima General Council.

THE LIBRARY OF CONGRESS,
Washington, D.C., May 12, 1980.

Hon. JOHN MELCHER,
Chairman, Select Committee on Indian Affairs,
U.S. Senate,
Washington, D.C.

DEAR MR. CHAIRMAN: I am writing as Chairman of the Board of Trustees of the American Folklife Center at the Library of Congress, and I am pleased to respond to your request for comments on S. 2166, a bill to promote the development of Native American culture and art. The Select Committee is to be complimented for taking this initiative in attempting to provide additional support for Native American culture.

In recent years it has become apparent that there is a real need to consolidate support for Indian cultural activities within an agency concerned with arts and culture such as the Indian Arts and Crafts Board, but independent from other programs. The general policy guidance for such a program must be Indian controlled.

The new institute proposed in the legislation might well be the appropriate vehicle for monitoring the American Indian Religious Freedom Act. The institute is also the appropriate agency to act as a liaison with Indian museums and cultural institutions in the country without establishing formal ties to a particular museum.

In this time of budget restraint, we agree that the Institute of Native American Culture and Arts Development would best be established within an existing Federal agency to avoid the problems associated with the establishment of a new agency and the considerable duplicative administrative expense associated with such an independent effort. The primary concern of the American Folklife Center Board of Trustees is to make secure the future of Native American cultural activities within the Federal framework.

Your initiative and cooperation in this regard is most appreciated.

Sincerely yours,

EDWARD B. DANSON,
Chairman, Board of Trustees.

CARNATION, WASH., *May 19, 1980.*

Hon. JOHN MELCHER,
440 Russell Senate Building,
Washington, D.C.

DEAR SENATOR MELCHER: Having reviewed S. 2166, Native American Culture and Art Development Act I have a few thoughts I wish to share. I feel the proposed legislation is vital for proper American identity and for the maintenance of America's aboriginal cultures and artforms. The responses I have seen regarding the bill indicate support and the feeling this is long overdue. The nature of the bill is tremendous in the challenges it addresses and the potential to further instill and maintain cultural identity, pride and integrity is evident, however, all the excitement created by this measure must be dealt with deliberately and with caution. There is thought in the Native community at present that this effort has arrived too late to accomplish the goals it sets forth and that the best one can hope for is preservation and transmission of cultural identity in a passive manner. Others feel that a successful level of cultural maintenance can be achieved provided immediate action is taken. The success factor for the latter being the elders in the community. They represent the final generation of the old ways and their first hand experience and knowledge is absolutely required for continuity. Effort is being made in this area, but the pace must be accelerated to effectively acquire enough information to establish adequate patterns for cultural maintenance. S. 2166, in my opinion, is a sound approach in dealing with this sensitive area of American identity.

I am a producing visual artist of Alaskan Tlingit background thereby include in the ramifications of the bill. In addition to producing traditional and contemporary art I am deeply involved with Alaska Native program development and education. At present I chair the Native Advisory Panel for the Alaska State Council on the Arts for their Traditional Native Arts Program and lecture frequently on Alaskan Native artforms. Consequently I am keenly interested in your proposal, however, the language of the bill surfaces several concerns.

Based on past performance of Federal programs for the Native peoples of America, i.e., Alaskan Native and American Indian, there is little reason for me to believe the Alaskan Natives will receive an equal amount of attention this time around than any time in the past. The Alaskan Culture and Art is powerful but remains undeveloped and subsequently is not elevated to the same stature realized with many American Indian groups. This may be attributed to the long-term stimulation, encouragement and media projection given these American Indian groups. The information that has been given out about the cultures and art of America has centered primarily around a few plains and prairie Indian groups to the point that now when the average person is asked to explain Indian or Native they think in terms of Cherokee, Navajo, Hopi and so forth and only if prodded does Alaskan Eskimo or Alaskan Native come to mind. I would suggest that this tendency to overlook Alaska be alleviated by changing the language of the bill to focus more attention on Alaska even so far as persuing the possibility of establishing the ediface of the institution in Alaska. Second to that suggestion would be to have an institution for Alaskan Natives and one for the American Indian groups. It is not my intention to sound divisionist but to address the facts of such wide cultural diversity and to offer practical solutions. I admire the intention of S. 2166 and feel it to be an attainable method of achieving the goal of enriching all our lives. Bearing in mind, however, the cultural diversity that exists it seems that the bill striving to house under one roof all the native groups may pose the one glaring shortcoming that can render it ineffective.

S. 2166 seems to overlook the necessity of sufficient representation of Native people on the Board of Trustees. As indicated, of the nineteen Board Members, only seven must be Native. Simple logic would dictate the need for a majority being native to insure proper guidance and to project to the Native Community that the destiny of the program is not in the hands of the white man. I have no intention to insult or belittle any race but rather cite this to draw attention to the fact. It is my experience that the surest way to rid a room of native people is to bring in a couple of talkative, well-intentioned white people. Before long what started out as a collaborative effort between two groups ends up a discussion and decision making by whites for natives. You know the results of that action. It is not binding, lasting or right, But to have the native draw conclusion assisted by his white brother is light upon light. I suggest that ten of the Board Members be native.

Alaska is different in many ways from the continental U.S. The lifestyles are unique and the people relish the fact of their uniqueness. The geography and climate are different. There is an isolation from the contingent U.S. and because of this I would suggest that at least one Board Member be Alaskan Native and urge the language of the Law be changed to accomodate this need.

I would like to emphasize my support for the Native American Cultural and Art Development Act and compliment you on your initiative. I am interested in the status of the bill and would like to request your office keep me informed.

Sincerely,

JIM SCHOPPERT.

LETTERS IN OPPOSITION

TESUQUE, N. MEX.

U.S. SENATE,
Select Committee on Indian Affairs,
Washington, D.C.

Within the past few weeks, I have studied further the bills presented to Congress concerned with the future of the Institute of American Indian Arts. I have reviewed both S. 2166 and H.R. 6850, as well as P.L. 96–95 and P.L. 95–341.

My interest in the future of the Institute of American Indian Arts results from my association of several years with the Institute, first as Assistant to the Director of the Santa Fe Festival of the Arts, in which the Institute is an active participant, and, more recently, as Santa Fe manager of The Gallery Wall, Inc. Our gallery is the exclusive representative for two outstanding Native American artists, Allan Houser and Dan Namingha. Allan Houser taught both painting and sculpture at the Institute of American Indian Arts for approximately fourteen years and was head of the sculpture department when he retired four years ago. Dan Namingha came to Santa Fe from Hopi in the late 1960s to study at the Institute and has made his home just outside of Santa Fe.

The significance of the contribution the Institute of American Indian Arts has made to the Native American people, to Santa Fe as an art center, and to "the artistic and cultural richness of the Nation" (S. 2166 and H.R. 6850) is quite evident to someone like myself, who sells contemporary Native American art to visitors from all over the country.

In addressing the four issues outlined in Senator John Melcher's letter of March 12, I would like to express primary concern for the geographical location of the Institute. The Institute of American Indian Arts has helped make Santa Fe the art center it is today. Granted, the early 1900s saw Santa Fe bloom with Taos as a new art colony, attracting artists nationwide. But, in later years, interest faded, only to revive in the past ten or fifteen years (accelerating in the past five years) due to several influences. The Institute of American Indian Arts, which has been established in Santa Fe for eighteen years, is one of the major factors in this resurgence. And now, we come full circle. The Institute can offer even more to its students now that Santa Fe is the major art center the Institute itself helped create. Therefore, it would be absurd to change the location of the Institute.

Of course, even more important than the positive effects the Institute of American Indian Arts has on Santa Fe, is the role the Institute performs for Native American people, particularly those inclined to explore and expand their intensely artistic culture. Despite "mismanagement and neglect by the Bureau of Indian Affairs" (H.R. 6850), the Institute has been rather successful in providing its students with an educational atmosphere that promotes, not only respectful study of their artistic heritage in traditional forms, but also the freedom and encouragement to innovate, which is so necessary for authentic artistic endeavor. In addition, the Institute of American Indian Arts provides the only existing Museum Training Program for Native Americans. And, the program is well established and comprehensive. It is this particular service that relates the Institute to museums of Indian art nationwide. Also related to this function are the American Indian Religious Freedom Act and the Archeological Resources Protection Act. I understand that there is being developed a National Indian Museum Association, which will address these acts by establishing regional museums that will receive artifacts, to which Native Americans have been denied access for quite a number of years. It is also my understanding that the Institute of American Indian Arts has been very supportive to the developmental needs of the National Indian Museum Association, through the unique Musuem Training Program the Institute offers.

In addressing the issue of the number of public members to serve on the Institute of Native American Culture and Arts Development, which would be established by S. 2166, I must also address the proposal developed in H.R. 6850 to transfer jurisdiction of the Institute of American Indian Arts from the Bureau of Indian Affairs to the Indian Arts and Crafts Board. In essence, I think the answer lies somewhere between the two bills. I do not feel it is necessary to change the name and drastically revise the functions of the Intsitute of American Indian Arts, though I do feel that the Bureau of Indian Affairs has not effectively played its role of supervisor.

The Institute of American Indian Arts has a capable, concerned, and dedicated Board of Regents, who could assume the political, financial, and managerial roles of the Institute. They could carry out those responsibilities if they were given authority beyond the advisory capacity, in which they now serve. By their previous association with the Institute, they would be in a good position to determine what the future developmental needs of the Institute are. And, the Board of Regents is representative of the national constituency that the Institute serves within its present student body.

In regard to the recommendation of putting the Institute under the Arts and Crafts Board, it may not be in the best interest of the developmental needs of the Institute to be put under an organization whose philosophy may conflict with the goals of the Institute. Such a conflict could impair the growth of both organizations. It has been recognized that the Institute has not been given the supervisory support that is necessary for it to achieve its goals and objectives. If the Institute is expected to grow to a level that meets the needs of its national constituency, it will have to make daring strides in education that are beyond the concept of the Arts and Crafts Board. It is my understanding that the Arts and Crafts Board deals with the reestablishment of the traditional arts of the various tribes. Whereas the Institute recognizes the importance of the traditional arts, it merely utilizes that contribution as a springboard. This approach allows students to be innovative in a contemporary context that is beyond the traditional approach to the arts. This philosophy in itself could possibly creare an unnecessary conflict between the Institute and the Arts and Crafts Board.

Perhaps there is a third alternative. Could there be created in the Department of the Interior an Office of American Indian Art and Culture? The Office might consist of and have authority over the three divisions within the Department responsible for the maintenance, support, promotion, and development of American Indian art and culture. These three divisions would be: the Indian Arts and Crafts Board, the Institute of American Indian Arts, and the American Indian Cultural Studies Center. Each should have autonomy and its own funding base.

It is my opinion that the Institute of American Indian Arts can begin to function very effectively and develop to meet its original goal of providing the highest quality education in the arts for Native Americans only if it is overseen by a governing group whose sincere concern is the development and welfare of the Institute and its students.

LINDA MONACELLI.

AK-CHIN INDIAN COMMUNITY COUNCIL,
Maricopa, Ariz.

RESOLUTION NO. A-16-80

Be it resolved, that after thoroughly discussing and appraising NCAI Executive Committee Resolution No. 80-94, the Ak-Chin Indian Community Council very strongly supports the resolution.

(NCAI Executive Committee Resolution No. 80-94 is attached).

CERTIFICATION

Pursuant to authority contained under Article VIII, Section 1, (a) and (c) of the Articles of Association of the Ak-Chin Indian Community, approved by the Secretary of the Interior, December 20, 1961, by a quorum of 4 members present at a regular meeting held on February 6, 1980, at Maricopa, Ak-Chin Indian Reservation, Arizona, by a vote of 4 for, 0 against, 0 not voting, and 1 absent; the foregoing resolution was adopted.

LEONA M. KAKAR,
Chairman, Ak-Chin Indian Community Council.

Attest:

WILBERT J. CARLYLE,
Secretary-Treasury.

NATIONAL CONGRESS OF AMERICAN INDIANS,
Washington, D.C.

NCAI RESOLUTION NO. 80-94—NATIVE AMERICAN CULTURE AND ART DEVELOPMENT ACT

Whereas, the National Congress of American Indians (NCAI) was established on the principles and for the purpose of protecting and preserving the rights and powers of tribal governments; and

Whereas, the Constitution and By-Laws of NCAI clearly establishes as one of its most sacred inalienable purposes as being the promotion and advocacy of Indian self-determination; and

Whereas, the principles of NCAI, as well as the principles of self-determination, mandates the Executive Council of NCAI to support the self-determination efforts of any member tribe and to oppose any effort by the Congress to deny or deprive such members from exercising such rights; and

Whereas, NCAI has continually supported local control as a means of achieving self-determination by Indian tribes and has opposed governmental, as well as congressional interference, in that process; and

Whereas, S. 2166, the "Native American Culture and Art Development Act," has recently been introduced and is designed to preserve and promote Indian art and culture, but will deny the Pueblo tribes of educational self-determination and will have a destructive effect on Pueblo children and their cultural, social, and economic way of life; and

Whereas, the objective of S. 2166 is to create another national "Institute of Native American Culture and Art Development", and to institutionalize "Indian languages, beliefs, customs, dances, rituals, crafts, music, architecture and drama" and to systematically exploit native Pueblo culture.

Whereas, S. 2166 will deny the Pueblo tribes of self-determination by depriving them of the use of the Santa Fe Indian School campus which it presently shares with the Institute of American Indian Arts; and

Whereas, the Santa Fe facility (historically it belonged to the New Mexico Tribes) was never built as an art school for 150 students, but rather for a high school for 504 students; and

Whereas, the Pueblo tribes of New Mexico and the National Congress of American Indians strongly object to the institutionalization of "rituals; crafts, music-architecture and drama, dances, customs and their language", on the grounds that they are an intricate part of their religion.

Now, therefore, be it resolved, that the Executive Council of the National Congress of American Indians opposes S. 2166, as presently proposed and requests that it be amended to allow the Pueblo tribes to continue their efforts at self-determination in the education of their children at the Santa Fe Indian School campus.

Be it further resolved, that the U.S. Congress amend S. 2166 to provide for the construction of a first rate art institute, in a location to be determined through consultation with Indian tribes and their artists, and to be administered in the same manner.

Be it finally resolved, that the National Congress of American Indians and the National Tribal Chairmens Association be allowed to have a representative on any board established to administer said institute and that the scope of such an institute be limited to the arts and that the religious aspects inherent in all Indian tribes, their culture and traditions will not be violated or interferred with through institutionalization.

CERTIFICATION

The Executive Council duly convened at the NCAI Executive Council meeting in Washington, D.C. on January 23, 1980, voted to approve this resolution.

——— ———.
President.

Attest:

——— ———.
NCAI Recording Secretary.

[Telegram]

ALL INDIAN PUEBLO COUNCIL,
Albuquerque, N. Mex., January 17, 1980.

Senator JOHN MELCHER,
Senate Office Building,
Washington D.C.

We have received S. 2166, which you sponsored and which is entitled the native American Culture Act. The Pueblo Tribes of New Mexico are disappointed in what can only be considered an attempt to deprive Pueblo, Navajo, Apache, the Ute children of a decent education by denying them the use of the facility which is located in Santa Fe, New Mexico, and is the present home of the Institute of American Indian Arts. That facility was stolen from us in 1962, and served as the primary secondary facility for New Mexico tribes. The facility was built for 504 students. For the past 17 years the art program has never had more than 104 students. The present per pupil cost is in excess of $17,000 per student per year. The Pueblo people do not want the language, dances, rituals or crafts institutionalized. Pueblo tradition and Pueblo art belong to the Pueblo people and we do not want it exploited by anyone.

We have nothing against an institute for Indian Art. However, the facility in question which is located in Santa Fe was built as a secondary institute—it was never built for an art institute. The issue is not the reservation and survival of Indian art, the issue, Senator Melcher, is whether the self-determination effort of the tribe will be adhered to. I strongly recommend that for proponents of this legislation desires such an institute than a facility should be built in the design to serve approximately 200 to 300 students. Since there seems to be a feeling on the part of some people that such an institute can only survive in Sante Fe, New Mexico, why not include on your bill Federal land within the community of Santa Fe for such purposes. There is BLM, as well as Forest Service lands available. Your bill as it presently reads can be considered as an attempt to save an art program for an elite few at the expense of Indian self-determination and the education of needs of Pueblo, Navajo, Ute, and Apache children.

Sincerely,

DELFIN ROVATO,
Chairman, All Indian Pueblo Council.

National Congress of American Indians,
Washington, D.C., January 25, 1980.

Hon. John Melcher,
Chairman, Select Committee on Indian Affairs, U.S. Senate, Washington, D.C.

Dear Mr. Chairman: The National Congress of American Indians in Executive Council session on January 23 adopted the attached resolution relating to your recently introduced bill, S. 2166, the Native American Culture and Art Development Act.

We appreciate your interest in the preservation and promotion of Indian art and culture; however, we have some concerns with S. 2166 and are submitting by resolution several amendments to the bill for your consideration.

Please let us know how we can be of further assistance to you on S. 2166 or any other matter affecting Indian tribes.

Sincerely yours,

Ronald P. Andrade,
Executive Director.

Enclosure.

Osage Tribal Council,
Pawhuska, Okla., March 3, 1980.

Hon. Henry Bellmon,
U.S. Senate,
Washington, D.C.

Dear Senator Bellmon: On December 20, 1979, there was introduced in the Senate of the United States, S. 2166, A Bill, to promote the development of Native American Culture and Art. The bill is designed to promote Indian art and culture, but will deny the Pueblo Tribe educational self-determination and will have a destructive effect on Pueblo children and their cultural, social, and economic way of life.

The Osage Tribal Council joins the All Indian Pueblo Council and the National Congress of American Indians Executive Committee in opposing S. 2166 as it presently reads and unanimously endorses the proposed amendments as requested by the All Indian Pueblo Council and National Congress of American Indians.

Your assistance in this matter will be appreciated.

Sincerely yours,

Sylvester J. Tinker,
Principal Chief.

Santa Fe, N. Mex., *Apr. 11, 1980.*

Senator John Melcher,
U.S. Senate, Select Committee on Indian Affairs,
Washington, D.C.

Dear Senator: I am protesting the proposed bill, S. 2166, which claims to promote the development of native American culture and art.

Actually, it favors suppressing the Indian Art School in Santa Fe and replacing it by an All Pueblo boarding-school, barring all other tribes. Remodeling to be financed by the B.I.A.

The Pueblos have good public schools near by, and it is hard to see why they wish to drive out the Art School. The Pueblos talk about segregation and discrimination, but it seems they have no objection to practising them.

The I.A.I.A. has been accused of mismanagement, lack of discipline, and mishandling of funds. But the overall record of the school has much to recommend it. Rather than throw out the baby with the bath-water, why not concentrate on redressing mistakes and strengthening weak spots?

At meetings I have attended, one felt that political interests and tribal rivalries played a large part in the present controversy. Could not the Federal Government rise above these narrow concerns, and act for the good of Indians of all tribes?

In the hearings, some older artists criticized the school for departing from the traditional Indian style of painting. The school purpose has been not to continue one style, which had become somewhat prettified and stereotyped, but to foster self-expression and self-discovery among the various tribes and generations.

"You can't earn a living with art," was said at the hearing—and has been said to all artists in all ages. Many graduates of I.A.I.A. are now earning a good living. Indian art is appreciated throughout the world; other countries would find our neglect incredible.

In a three-racial community like Santa Fe, Indians have found this school a center where they could learn each other's widely different ways of living. Expression in art has brought them a common language. Let's try to keep this for them, and avoid spending money on what isolates one group and creates a new focus of intertribal antagonism.

I should like my letter to be entered on record as testimony in re Senator Melcher's proposed bill.

Sincerely,

MARY MIAN

ADDITIONAL STATEMENTS RECEIVED FOR THE RECORD

STATEMENT OF COLVILLE CONFEDERATED TRIBES SUBMITTED BY ADELINE FREDIN

This is the Colville Confederated Tribes' response to S. 2166, "Native American Culture and Art.

The need for a center, to protect and preserve native art and culture, is a much needed facility; although, each tribe should be given the opportunity to establish and retain their art and cultural heritage within their reservations; thereby resulting in more control over what can and can't be displayed, as affecting individual tribes' cultural heritage.

SENATE INDIAN AFFAIRS COMMITTEE

Field hearing on S. 2166, for the development of Native American Culture and Arts. I.A.I.A. (new gymnasium), Santa Fe, New Mexico—April 14, 1980, 9 a.m.

INDIAN ART AND CULTURE

Definition of art: any object made by the Indian people that reflect the true art and culture of the tribe (baskets, bags, clothing, legends, songs and speaking). Also reflective of their culture, as well as the arts, is the skill for identification of materials necessary to create these articles. The skill and cultural background to identify. The season and method used to harvest these materials, this is the process that contributes to a fuller appreciation and understanding of the Indian arts and culture; not only for the tribal member; but, the public as well. It saddens me to say, that the materials currently used as substitutes, offer only a fragment of true Indian culture and art. This is due to the Indian people being denied access to traditional ancestral harvesting areas. Six of the eleven bands now comprised of the Colville Confederated Tribes, have been relocated to the reservation.

With the creation of P.L. 95–341 (1978) giving access for tribal members to harvest materials traditionally used to make objects, such as bags, baskets, blankets, etc., with this opportunity the tribe now has the responsibility to pass these skills on to other members of the tribe; thereby preserving these skills, arts and culture.

The extensive culture of the Indian people are unlimited, if given the opportunity to document and record the information. Their day to day activities involve a close union in their creations. Each creation was a unique reflection of their skill to transform even their necessary articles into art. These reflections were also identifiable to each tribe.

Photographs offer to the Indian people, tangible evidence of their Indian culture and heritage. These photographs offer an avenue by which we can trace their ancestry; thereby, identifying their cultural ties without Indian heritage.

A CULTURAL AND ARTS STUDIES CENTER

Cultural: The art of telling Indian legends, stories and folklore is almost a lost art. The true meaning of Indian identity is in the public speaking to tribal members. Public speaking on Indian philosophy was the responsibility of an individual, to himself and to the Indian people in general; thereby portraying a deeper meaning and teachings of being Indian. Too often an individual tries to act cultural, but lacks the tangible quality of being "Indian". They need closer contact with the more traditional members of their tribes to develop this quality.

The skill to identify the Indian's cultural resources, such as foods, materials, methods of harvesting and preservation, recognition of harvesting terrain and seasons, is considered an art.

Another aspect considered to be an art is the singing of Indian songs and the ability to recognize its interpretation and the use of each.

The Indian people of today need a purpose and cultural ties to their past. They have the right to protect their traditional arts and cultures. Books on the market now, in reference to the Indian, are usually written by non-Indians. Though written very fine, they cannot serve as a substitute in acquiring the arts and culture as supervised by the traditional leaders. A center would secure for the tribe a location young and old alike, could acquire their arts and cultural needs. While activities related to the expressive arts of traditional, seasonal and harvestable materials, a center would still be required to make these articles. Included in this process should be documentation and photographs of, to insure the protection and preservation of these skills. Recordings should also be encouraged; documented and filed for future use.

The culture of Indian people today, has been endangered to the extent of becoming "bi-cultural" through exposure to non-Indians and non-tribal members. With the utilization of traditional informants, we not only have a chance to preserve; but a responsibility to define and document direct cultural ties with each tribe. Individual tribes have a unique quality and reflection of their culture and arts. These qualities, at one time, served as a strong representation of mighty nations; now reduced to only a fraction of Indian culture and arts of a particular tribe. We still have a responsibility to the preservation of these arts and cultures.

Indian awareness, for most tribes is directed to their art and cultural ties related to traditional heritage.

Through no fault of their own; the United States Government had relocated entire tribes to reservations. The tribes relocated to the Colville Reservation were familiar with the territory, as well as the traditions and customs. Though some practices were similar there remains a definite identifiable art and culture directly related and significant to each tribe.

Picture Indians 500 years from now having no cultural definition. The professional resources of Indians today do not consult with the Indian people for accuracy of their information. These practices include documentation of the arts as well. With this new Act, the arts and culture of the Indian people can be preserved.

The Colville Confederated Tribes response to P.L. 96–95, "The Archaeological Resource Protection Act of 1979," for the Protection of Archaeological Resources:

Heritage Conservation and Recreation Service (Department of the Interior) is holding an informal hearing before proposing regulations regarding the protection and conservation of archaeological resources on public and Indian lands. Flamingo Hotel, Portland, April 12, 1980, at 10 a.m. Adeline Fredin, Director, History/Archaeology Department.

The Colville Confederated Tribes recognize the values and benefits of the "Archaeological Resource Protection Act", P.L. 96–95, which adds improved effectiveness for tribal management of their cultural resources.

TRIBAL BENEFITS

The Colville Confederated Tribe understands that P.L. 96–95 affords to all the tribes, now comprised of the Colville Confederated Indian Reservation, their right to protect their cultural resources. By the authority of this Act, their right to have in-put to the destination of artifacts taken during a professional archaeological excavation within the traditional territories of their ancestral lands, and through the CCT Council the right to decide the final destination of these artifacts. Through this Act, the right to be recognized as owners of these artifacts. The right to have access, analysis of, and other documented information, reports, photos, etc.

P.L. 96–95 affords to the CCT within the confines of the Colville Indian Reservation the motivation to manage their cultural resources. The Tribe can become directly involved in the actual reconnaissance, excavation and analysis of these resources; provided Tribal Council initiated such action, through tribal resolution, to manage their cultural resources from endangerment through development, construction, erosion or any such acts that may threaten their security.

The Act (P.L. 96–95) also provides the Tribe with the access to become more traditionally involved in the actual excavation and removal of ancient burial sites, including the selection of a reburial location.

The Act is a viable tool to strengthen the Indian culture. The Colville Tribe is exerting more direction over their cultural resources, as well as their expressive culture and arts. P.L. 96–95 puts artifacts within definite reach and control for the CCT to enhance their traditional culture and arts. Also, tribal members may now be more willing to bring out definite locations of ceremonial grounds, campgrounds, etc., into public view; due to the guaranteed protection under P.L. 96–95 of these cultural resources.

TRIBAL CONCERNS

Not until recently have federal rules and regulations considered in-put from the Indian. This is very unfortunate, for it would have given each tribal government the opportunity to participate in the creation of these very rules and regulations that have ended up adversely affecting the very culture of the Indian people. The public displays now in museums often do not reflect the true cultural background of the Indian people. The public law now affords to the Indian tribes an opportunity to participate in definitions of public displays. Indian people were not given the means, power or opportunity to recover their sacred objects, traditionally not meant for public display; nor were they given the opportunity to advise a more discreet display of these objects, as a result, mismatched or misinformation were put on display.

The Colville Confederated Tribes have initiated steps to implement P.L. 96–95, through the drafting of an Ordinance and S.O.P. (Standing Operating Procedures). The Ordinance and S.O.P. drafts have been forwarded to the CCT Attorneys. A final draft will be returned to the CCT Council for approval. I will not elaborate on the status of the Ordinance and S.O.P., at this time.

In order to comply with P.L. 96–95, it is the responsibility of the CCT to enact tribal laws for the management of their cultural resources and to implement procedures to issue permits for excavations or removal of any archaeological resources on Indian lands.

The Colville Confederated Tribes established an Archaeological Department in February 1978, twenty months before P.L. 96–95, these initial steps were taken to protect and manage their cultural resources.

STATEMENT OF ADELINE FREDIN, DIRECTOR OF THE HISTORY/ARCHAEOLOGY DEPARTMENT, COLVILLE CONFEDERATED TRIBES

I am a full-blood Indian and a member of the Colville Confederated Tribes. I was born on the reservation and spent most of my life there. My first employment encounter was with the CCT, working on the Tribe's history and cultural background.

In 1977, I became interested in Archaeology and Anthropology, mainly because of the adverse affects these professions were having on the culture and history of our Indian people.

One of the affects were from the archaeologists, in the performance of their profession, would excavate and remove from tribal control, personal possessions of our ancestors. Many of these excavations are still unopened in University and Library shelves. Human remains have been taken for analysis and never returned to the tribe for at least two generations. No effort has been made to coordinate with the tribes, the prehistorical significance of a site, or the cultural analysis of artifacts excavated. As a result much of the "documented" information was not recognizable to our tribal elders. We deserve the right as human beings, to be recognized as the owners of these sacred and ceremonial objects; including artifacts so important to the history and culture of our Indian people, to be directly involved in any anthropological excavations involving the human remains of our ancestors. Too often the Indian people are pushed to the side; a victim of progress and Archaeological scientific investigations. P.L. 96–95 clearly sympathizes with the Indian people, concerning their cultural heritage.

Given the opportunity for the CCT to manage their cultural resources, it will be of benefit to future generations.

TESTIMONY PRESENTED BY ERNEST C. JARAMILLO, AMERICAN INDIAN VETERANS ASSOCIATION

On behalf of the American Indian Veterans Association (AIVA), I am presenting testimony for the Hearing on the Institute of American Indian Arts in Santa Fe, New Mexico. Thank you for this opportunity to present our views on behalf of the American Indian Veterans Association.

The American Indian Veterans of New Mexico have united to uphold the Constitution of the United States; to defend and support the concept of tribal sovereignty; to defend and to perpetuate our Indian culture for the well-being of the American Indian and our Nation.

Our Pueblo religion is deeply rooted and has been ceremoniously nurtured throughout the centuries, unparalleled in this country by any other culture. Many times we have faced aggression and those tactics which have enhanced attempts at the systematic upheaval of Pueblo customs and traditions.

The Pueblo system of government is unique in New Mexico and it is still in existence, and has been in existence through three governments. The Treaty of Guadalupe Hidalgo promised the free enjoyment of our liberty and property and the free exercise of our religious ceremonies without restriction or interference. But, to the contrary, our Pueblo customs and traditions have been unceremoniously exploited even to the extent of establishing institutions of learning to the extent of ostensibly sacrilegious overtones under the premise of cultural awareness and perhaps even unscrupulous ventures for profit.

The promulgation of Pueblo culture, our customs and traditions are the responsibility of each respective tribal government and its people. It does not belong in the classroom. For any other group or individual to institutionalize those customs we hold sacred will further open the door to widespread exploitation and will seriously undermine the well-being of our Pueblo people and disrupt those established and long-recognized inter-relationships. Our concern is that such endeavors manifested in this manner will only serve to create ill-will and cause severe polarity which will hamper any attempts at mutual cooperation among governmental entities.

Our Pueblo heritage is beautiful and requires respectful and ceremonious handling with honor. It must not be displayed to resemble a thing that no longer exists. Our customs and ceremonies are the cohesion that is visible only among Pueblo tribes today. If one must learn of Pueblo customs and courtesies, one need only visit any of our Pueblos and observe the honor and dignity with which all ceremonies are conducted.

Many of our young Indian braves went to war to protect our country and helped to preserve it so that others would have the opportunity to exercise their freedom, a virtue that is no longer evident in America today. Many of our Indian soldiers, sailors, and airmen fought with honor and valor in defense of our ideology in hopes that we would perpetuate our culture, our customs and traditions without interference from itinerants and immigrants to our lands who have little or no knowledge of the Pueblo Indian heritage.

Our Pueblo culture has literally prolonged our very existence and it has been and will continue to be our mainstay in our fight to perpetuate our own culture and those customs and traditions we hold sacred, and those customs and traditions whose existence have been coveted, to our dismay, at the hands of the unscrupulous non-Indian population.

Let us direct our efforts toward mutual understanding and cooperation and support our tribal governments in the true spirit of sovereignty and the self-determination of our destiny. Any actions which tend to erode this premise is a threat to the peace and harmony which the Pueblo people enjoy today. Thank you.

Kailua-Kona, Hawaii, *April 10, 1980.*

Hon. Spark M. Matsunaga,
U.S. Senate.

Dear Senator Matsunaga: Thank you for your letter regarding Bill S. 2166 I believe that the establishment of a national Institute of Native American Culture and Arts Development would provide an organized center for research and scholarship, and for the fruitful sharing of knowledge among all Native American cultures.

Moreover, it would stimulate the growing edges of our living cultural and art traditions. Cultures, like plants, die if they lose their "growing edge".

Our distinctive American identity as a people depends on the preservation of those Native American cultural elements which make our American culture unique. Being a matter of concern for all Americans, it thus becomes appropriate for our Federal Government to establish the Institute proposed in S. 2166, in order to accomplish by centralized effort those necessary tasks and opportunities that cannot be done by each tribe or cultural group acting independently.

Hawaiians lay claim in the strongest terms to being included as Native Americans. Indeed for perhaps more than 40 years after contact with modern cultures, Europeans and Americans wrote of us as "Indians". The term "Hawaiian" was not invented until the Monarchy was established. Our ancestors simply called themselves "The People".

There are fewer differences between Hawaiian and American Indian cultures than may be observed between these subsistence-economy cultures and the modern market-economy culture. One strong similarity among all Native American cultures is that their art is not separated from life, but is part of the lives of all, permeating and expressing their history, customs, world view, and religious thought. Art is integral to the culture, not confined to ivory-tower esthetics.

When I built the voyaging canoe *Hokule'a* that I skippered on a cruise throughout the islands, and that was later sailed to Tahiti and back (about to arrive in Tahiti now on its second trip) I saw it as functional sculpture.

Because no culture can exist without its objects, the rebuilding of this lost but important object did stimulate cultural revival in Hawaiian dance, music, food arts, star navigation, seamanship, and brought about what can only be described as a family reunion between the Hawaiian and Tahitian peoples, reminding them that they were once the same people.

Thus, the importance of the indigenous art forms to the preservation of Native American cultures cannot be overlooked without risking the death of those cultures.

Mahalo nui loa for your continued and strong energy on behalf of Hawaii and Native Hawaiians! E Ho'oikaika!

Aloha pumehana,

HERB KAWAINUI KANE.

STATEMENT OF HAWAIIAN ETHNIC ARTIST ASSOCIATION

TESTIMONY—S. 2166—TO PROMOTE THE DEVELOPMENT OF NATIVE AMERICAN CULTURE AND ART

Mr. Chairman, members of the Senate Committee on Indian Affairs, my name is Kamuela Price. I am on the Advisory Counsel of the Hou Hawaiians, a self-determined Native Hawaiian tribal Ohana dedicated to the survival of the Hawaiian people and their culture. In this respect, the Hou are the sponsors of the Hawaiian Ethnic Art Association.

Before expanding on this organization's keen interest in the Native American arts, the Hou would like to thank the Honorable Senator Sparky Matsunaga, the Co-Sponsor of this Bill for his continuing efforts to help Native Hawaiians and our brothers and sisters, the American and Alaskan Indians retain their cultural identity and birthrights. For this we are forever grateful to the Honorable Sparky Matsunaga for his role in passing the Native American Religious Freedom Act which helped establish as a legal entity the religious body of the Hou, the Church of Hawaii Nei.

To return to our interest in S. 2166, you should be aware The Hawaiian Ethnic Art Association represents that tiny minority of Native Hawaiians as defined in the Hawaiian Homestead and 5-F Provisions of the Statehood Admission Act. In essence, this act defines Native Hawaiian as those of 50 percent aboriginal blood or more. I think you will agree insofar as our people are concerned, it is the survival of these peoples culture and art this Act intends to preserve.

In view of these circumstances, we feel a clause should be inserted into S. 2166 clearly stating Native Hawaiians are covered by this Act and that those defined in the Hawaiian Homestead Provisions of the Statehood Admission Act have priority rights as beneficiaries of S. 2166. This would be in keeping with the promises made by the United States Government in the Statehood Admissions Act. With the addition of the aforementioned protective provision, the Hou wholly endorse this concept of preserving the cultural identity of the aboriginal inhabitants of the United States by promoting the development of their culture and arts.

Mahalo Nui Loa for your kind consideration in this matter.

KAMUELA PRICE,
Hou Advisory Counsel.
MAUI LOA,
Chief of the Hou.
LEI LANI KANE,
Corresponding Secretary,
Hawaiian Ethnic Artist Association.

TESTIMONY IN SUPPORT OF SENATE BILL 2166—SUBMITTED BY ALU LIKE, INC.

(Prepared by Ronald Albu, Attorney at Law)

Alu Like, Inc. is a Native American program serving Native Hawaiians and is funded in part by the Administration for Native Americans of the Department of Health, Education and Welfare. Alu Like supports the passage of S. 2166 to promote the development of Native American culture and art. While agreeing with the purpose and intent of the Bill, however, Alu Like believes some changes in terms should be made to remove any confusion regarding the inclusion of Native Hawaiians in legislation.

The Bill in its original form uses the terms "Indian" and "Native American" interchangeably and, in fact, defines these terms in a single definition. This definition includes any person who is a member of an Indian tribe *or* descendant of an aboriginal inhabitant of the United States.

As a legal matter, the courts have defined the term "Indian" or "American Indian" as including all persons descended from the aboriginal inhabitants of the United States. See *United States* vs. *Native Village of Unalakleet*, 411 F.2d 1255 (Cet. Cl. 1969) and *Pence* vs. *Kleppe*, 529 F.2d 135 (9th Cir. 1976). Under these cases, Native Hawaiians must be included in programs for the benefit of other Native Americans.

The United States Court of Claims extensively considered the legal meaning of the term "Indian" in the case of *United States* vs. *Native Village of Unalakleet*, 411 F.2d 1255 (1969) and held as follows:

> We believe that Congress did intend (the Indian Claims Commission Act) to encompass claims by all American aborigines and that the term "American Indian" is not used with a view to excluding the descendants of any pre-Columbian inhabitants of North America.
>
> The term "Indian" is as ambiguous as any in the English language. The preferred meaning per Webster's Third International is still a native of India or the East Indies. The word was originally applied to the natives of the New World by European discoverers because they incorrectly thought that they had arrived at the East Indies. One calls them as Congress did, "American Indians" to avcid a solecism. The Handbook of American Indians published by the Bureau of American Ethnology, a part of the Smithsonian Institution, defines the word "Indian" as "the common designation of the aborigines of America." 411 F.2d at 1257

The Court of Claims went on in *Unalakleet* to discuss the government's argument that the Eskimos and Aleuts of Alaska could not be considered "Indians" because of anthropological evidence suggesting that they are not from Indian racial stock. The Court of Claims rejected the government's argument that the term "Indian" signifies a particular race rather than a class because the argument leads to an unconstitutional result. The Court stated:

> "It is enough to say that a construction of a statute rendering it constitutional is always preferred. If Congress had intended race, creed, or color, slant of eyes or shape of craniums, to be the determining factor in whether or not aboriginal groups could present claims, and at the same time having no rational grounds for the distinction, we would have serious doubts about the validity of the statute." 411 F. 2d at 1260–1261

Under this authority, Native Hawaiians as American aboriginals cannot be excluded from benefits accorded all other aboriginal groups on the ground that they are not racially Indians. Rather, they fit the class of Indians defined to be American aboriginals. This view was recently cited with approval by the United States Court of Appeals for the Ninth Circuit in the case of *Pence* vs. *Kleppe*, 529 F. 2d 135 (1976), in which the court discussed a jurisdictional statute conferring standing to bring suit on persons "of Indian blood or descent." The Court stated:

> The Secretary does not argue that Alaska Natives who are of "Aleut" or "Eskimo" rather than "Indian" blood cannot bring actions . . . because those sections refer only to persons of "Indian blood or descent." We would not accept the argument if it were made . . . There are many statutes dealing specifically with Alaska, such as the Alaska Native Allotment Act, which refer expressly to Indians, Aleuts, and Eskimos. On the other hand, many other statutes which are of general application throughout the United States and its territories refer only to "Indians". It has been held that in those statutes, the word "Indian", as applied in Alaska, includes Aleuts and Eskimos. The Act of June 2, 1924, . . . confers citizenship on "all non-citizen Indians." In *Hynes* vs. *Grimes Packing Co.*,

9 Cir., 1948, 165 F. 2d 323, 326, we said that the statute conferred citizenship upon the Eskimo of Alaska . . . In *United States* vs. *The Native Village of Unalakleet*, . . . the Court of Claims in an exhaustive opinion held that the word "Indian" as used in the statute, included Eskimos and Aleuts. The Court pointed out that the word "Indian" is commonly used in this country to mean "the aborigines of America." . . . We agree, and hold that such is its meaning in 25 U.S.C. § 345 and 28 U.S.C. § 1353. 529 F. 2d 138–139.

The United States Supreme Court has also held that legislation for the benefit of Indian groups is not made on a racial basis. In the case of *Morton* vs. *Mancari*, 417 U.S. 535, 41 L. Ed. 2d 290 (1974), the United States Supreme Court dealt with the claim that a hiring preference of Indians in the Bureau of Indian Affairs constitutes invidious racial discrimination. The Supreme Court stated:

Resolution of the instant issue turns on the unique legal status of Indian tribes under federal law and upon the plenary power of Congress, based on a history of treaties and the assumption of a "guardian-ward" status, to legislate on behalf of federally recognized Indian tribes. The plenary power of Congress to deal with the special problems of Indians is drawn both explicitly and implicitly from the Constitution itself. Article I, § 8, cl 3, provides Congress with the power to "regulate Commerce . . . with the Indian Tribes," and thus, to this extent, singles Indians out as a proper subject for separate legislation. Article II, § 2, cl 2, gives the President the power, by and with the advice and consent of the Senate, to make treaties. This has often been the source of Government's power to deal with the Indian tribes. The Court has described the origin and nature of the special relationship:

"In the exercise of the war and treaty powers, the United States overcame the Indians and took possession of their lands, sometimes by force, leaving them an uneducated, helpless and dependent people, needing protection against the selfishness of others and their own improvidence. Of necessity, the United States assumed the duty of furnishing that protection, and with authority to do all that was required to perform that obligation and to prepare the Indians to take their place as independent, qualified members of the modern body politic . . ." *Board of County Comm'rs* vs. *Seber*, 318 U.S. 705, 715, 87 L. Ed 1094, 63 S. Ct. 920 (1943) 417 U.S. at 552.

The Court went on to hold that the Indian hiring preference "does not constitute 'racial discrimination.' Indeed, it is not even a 'racial' preference." 417 U.S. at 553. In a footnote, the Court pointed out that the preference is limited to members of federally recognized groups and is not made on a racial basis. Rather, the Court stated, "Here, the preferences if reasonably and directly related to a legitimate, non-racially based goal." 417 U.S. at 554. After citing a long line of cases upholding legislation singling out Indians for special treatment, the Supreme Court concluded:

"As long as the special treatment can be tied rationally to the fulfillment of Congress' unique obligation toward the Indians, such legislative judgments will not be disturbed."

Additionally, the Supreme Court's decision in *Morton* vs. *Mancari* establishes that legislation for the benefit of federally recognized aboriginal groups whose lands were taken by the United States by force and who have suffered serious social consequences as a result are the proper subject of remedial legislation. Indeed, by such conquest the United States has assumed the obligation of providing assistance to such groups. That is precisely the situation of Native Hawaiians. Even members of terminated Indian groups are eligible for federal educational benefits. See 20 U.S.C. § 1221h(a). Thus, Native Hawaiians must be included in the benefits accorded other Native Americans under S 2166.

While it is clear that, as a legal matter, legislation for the benefit of Indians must include Native Hawaiians since they are aboriginal to the United States, nevertheless, as the cases cited point out, the term "American Indian" or "Indian" is not commonly understood to include all aboriginal peoples in the United States. The confusion between the legal requirements of the term "Indian" and the popular or lay understanding as denoting particular races of Native Americans could be easily avoided by using the term "Native American" consistently throughout this legislation. Thus, it would clarify this legislation if references to "American Indian and culture" were changed to "Native American Art and culture." In this manner, both the legal and the lay meanings would coincide and confusion would be avoided as to the scope of this legislation. The American people would have a better appreciation of the breadth and richness of Native American art and culture throughout the 50 states. whether it involves an appreciation of the kachinas of the Hopi or the ancient hula practiced by Native Hawaiians.

The importance of this distinction in terms between "Indian" and "Native American" appears in part in S. 2166 by the establishment of the Institute of Native American Culture and Arts Development. To be consistent, the term "Native American" should be used throughout this legislation.

Finally, the definition of "Native American" should be defined as including descendants of an aboriginal inhabitant of any of the United States and the term "Native American group" should be substituted for the term "Indian tribe."

Alu Like makes these suggestions in order to make clear that the purpose of this legislation is to enhance and preserve Native American art in all of our 50 states and to avoid any confusion on the part of the public that Native Hawaiian art and culture is included within the scope of this legislation. Although it is clear that legally Native Hawaiians must be included, any ambiguities should be removed so that all Americans can appreciate the scope of this legislation.

This legislation is long overdue, and with this suggested change, will receive the enthusiastic support of Alu Like.

TESTIMONY OF CHARLES KAULUWEHI MAXWELL, SR.

Honorable Chairman and members of this Committee, my comments are made as the Maui President of the A.L.O.H.A. (Aboriginal Lands of Hawaiian Ancestry) and a member of the Hawaii S.A.C. (State Advisory Commission) to the U.S. Civil Rights Commission.

We are in favor of 3.B 2166, Native American Culture and Art Development Act with several reservations. Nowhere in the bill do we find the Native Hawaiian mentioned by name and no definition is given to the Native Hawaiian people. On page 3, line 19, twelve members are to be appointed by the president who are widely recognized in the field of Indian Art and culture. The Native Hawaiian should also be included in this section.

I would like to point out some facts about the Native Hawaiian people.

Our culture dates back thousands of years and into mythical times. Because we did not have a written language most of our past history was transferred verbally through chants and dance. Hawaiian Religion is still practiced in Hawaii and majority of Hawaiians still respect the ancient gods and goddesses of the past. The Native youth of Hawaii attempts to capture the ways of the Kapo'e Kahiko (People of Old).

In the past 10 years, the Native Hawaiian people have experienced a resurgence of the Culture and the Arts. Some of us have coined it, the Hawaiian Renaissance. This move is welcomed by all in Hawaii because of the promise that our culture will be preserved and until the end of time, Hawaii will have the Hawaiian culture for everyone to enjoy.

It is a fact that when Hawaii was admitted in the Union, we Native Hawaiians became Native Americans. All legislations for Native Americans should include the Native Hawaiian people.

Maybe we then can spread our true Aloha spirit to other people in this great nation and make this a better place for us all.

TESTIMONY BY REPRESENTATIVE CALVIN K. Y. SAY, CHAIRMAN, COMMITTEE ON CULTURE AND THE ARTS, HOUSE OF REPRESENTATIVES, STATE OF HAWAII, REGULAR SESSION OF 1980 ON S. 2166, 96TH CONGRESS, 1ST SESSION

TO PROMOTE THE DEVELOPMENT OF NATIVE AMERICAN CULTURE AND ART

The peoples of Hawaii take pride in being unique as a community of multiethnic citizens of America and as a united force for Hawaiiana—its native spirit of "aloha" and its traditional culture and arts—and in sharing this uniqueness as part of America's heritage. To most Americans from the mainland United States, Hawaii is stereotyped as a "tropical paradise" wherein visitors sip "mai tais" on Waikiki Beach while the golden-orange sunset bathes one and all with peace and happiness. To be sure, such a stereotype is realized by some, but there is much more to Hawaiiana. It is a living philosophy of "aloha"; it is Hawaii's native culture and arts. It is also a native American way of life.

Just as any other American Indian culture, the native Hawaiian art and culture include traditional expression of Native American language, history, customs, belief, music, architecture, drama, dance, rituals, and crafts. All of these remain uniquely Hawaiian, to be appreciated by all peoples of Hawaii and to be shared with fellow Americans from the mainland United States. The native Hawaiian is no less a descendent of an aboriginal inhabitant of the United States, for Hawaii claims its rightful place among these United States. Just as American Indians lived in tribes, bands, nations, or other organized groups or communities of Indians, the native Hawaiians lived in extended families, clans, insular communities, and a traditional nation brought forth by the great King Kamehameha I in 1795.

In effect, the native Hawaiians claim universal recognition in our nation as Native Americans.

The Hawaii Statehood Act of 1959 lends ample support to the same thesis: that native Hawaiians deserve state recognition in support of their culture and arts. The creation of Hawaii's State Foundation on Culture and the Arts in 1965 and the Legislature's support of programs for integration, preservation, and dissemination of Hawaiian history, humanities, culture, and the arts during the past many years are evidence that Hawaii's peoples have now accepted their responsibility in preserving and enhancing this State's native art and culture. Also, through the National Endowment for the Arts, Hawaii's multi-ethnic communities, including that of the native Hawaiians, have received federal aid in advancing our multi-ethnic arts and cultures.

In effect. it is now time for all of us to step boldly together into a future wherein the Federal Government initiates a centralized system of programs for the advancement of Native Americans' arts and cultures. It must be stressed, too, that native Hawaiians are indeed Native Americans.

Historically, the Indians were the aboriginal inhabitants of lands east of the Mississippi, along the Mississippi, and west of the Mississippi. The Eskimos were the aboriginal inhabitants of lands in our largest state of Alaska. The Hawaiians were the aboriginal inhabitants of these islands in the Pacific. Each former territory west of the Mississippi, east of the Mississippi, in Alaska, or in the middle of the Pacific Ocean entered our great union, thereby making native Americans part of our united citizenry called America. Semantics notwithstanding, these Indians and Eskimos and Hawaiians are equally native to America. Recognition of these communities as such is merely due tribute to them as our nation's Native Americans—all sharing a proud heritage. To maintain their integrity, the continental Indians would undoubtedly not call themselves Eskimos or Hawaiians. The Eskimos would not call themselves Indians or Hawaiians. The Hawaiians would not call themselves Eskimos or Indians. Nonetheless, all would call themselves Native Americans, and proudly so.

S. 2166 of the 96th Congress, 1st Session does due justice unto the American Indians and Eskimos as Native Americans. All the same, it requires amendment such that native Hawaiians receive the same recognition as Native Americans. For example, Section 3 of the bill does not specifically include native Hawaiians; neither does it deliberately exclude them. What is now required is stronger language to include them as people who are descendants of aboriginal inhabitants of the United States.

An enrichment to the bill would also be a further amendment to Section 4, such that the composition of the 19-member Board of Trustees for the Institute of Native American Culture and Arts Development include at least one member appointed by the President of the United States from among individuals from private life who are widely recognized in the field of native Hawaiian art and culture. Such an appointment would assure continued recognition of native Hawaiians as Native Americans.

Nothing less than what is specified above would do any justice to our peoples of Hawaii and for the nation as a whole.

STATEMENT OF SEYMOUR TUBIS, IAIA, NATIVE AMERICAN CULTURE AND ART

The establishment of the Institute of American Indian Arts in 1962 was a stroke of genius, which involved inspiration, effort and dedication.

The concept of a nation-wide education center that allowed young native Americans to gather in one place, to live, to discuss, to study and examine their arts and cultures in relation to others, was a precedent virtually unheard of as a project for the government of the United States to subscribe to, to the point of actually supporting and financing. Yet this did happen in Santa Fe, New Mexico in 1962, and is continuing—although dying for lack of adequate funding and commitment.

Art and culture in our nation are usually treated as luxuries. In truth they are as basic as blood, bread or water. I suppose the words "art" and "culture" are too general—too amorphous—to have specific impact. Let's use other words, such as life, death, music, dancing, love, hate, sorrow, joy. We experience these words as daily realities. We live them in our daily lives. They are life—and that is what art and culture are. What, then, should make the study and the perpetuation of Indian art and culture so unique? It should not be. It should be as vital as food—and as necessary.

It is time in this country that we all begin to take seriously those things which shape our inner lives, which add the spice to the basic material needs upon which most of us already concentrate too strongly.

Art and culture are essential to our lives. Without them we may exist. With them, we live.

It is as important for native Americans to perpetuate, to understand, to re-create their arts and their culture as it is for the other races in this country to understand them. And conversely, it is the ever-changing America which the American Indian must deal with and understand for his survival and peace of mind.

The Government of the United States began a noble experiment in 1962. We, as U.S. citizens, owe it to ourselves to continue the experiment—and to expand it. The rich heritages of black America and the Asian and European cultures which make up the mosaic of the United States are also unique. They have no counterparts anywhere else in the world. It is the responsibility of those of us who are involved in the arts, especially, to understand that Government should not be concerned only with law. The greatness of this country is bound also to the beauty created by those writers, composers, painters and others, who speak from the heart of the American experience. Our statesmen alone cannot establish a heritage. That is built by the interaction of people.

The Senate Bill S. 2166 is vital to the lives of those native Americans who inherited the roots of this country—especially now—at a time when we are so taken up with the future of our materialism.

That religious freedom has to be even considered, I suppose, is an indication that we are all aware of the fragility of this part of our lives. Connected with this is the importance of the historical relationship all peoples feel for their ancestors. What is anthropology to some is grandmother and grandfather to the native American. To understand is only to put oneself in their shoes.

The governing Board of the Institute should be made up of mature individuals with a majority of the following qualifications:

1. Either of native American origin or knowledgeable and in sympathy with the history and culture of native Americans.
2. Representative of the eight to ten major Indian tribal heritages, their customs, history and differences.
3. Of definite desire to actively serve the needs of the Institute without glory or great remuneration.
4. Possess adequate education and intelligence and the necessary native American and/or English language skills to perform the often rigorous and diplomatic requirements of the position.
5. Most importantly, to possess a background, either formally or informally in the arts, to be a serious student and practitioner in the fine arts, performing arts or other recognized arts and/or arts education and arts history; to be aware of the needs and requirements of art and cultural practice and education.
6. There are other specific qualifications which already are a part of the Board of Regents by-laws, and which should be modified to apply to the new governing board.

Finally, it must be again mentioned that endless creative planning has been done already by and for the Institute staff and its Board of Regents. The fact that so little of this work has been noted or used is testimony to the overpowering bureaucracy that has so crushed and nullified these plans.

The Institute must have the direction and the freedom to achieve its many inspired and useful goals. It must also have the necessary means to turn plans into action. As a fountain of educational art and culture, the word "effectiveness" becomes synonymous with "educational freedom."

Among the many fine plans which have yet to be realized are:

1. A four-year college of Native American Arts;
2. A media center;
3. A workable fine arts educational complex;

4. A library and resources center which combines research with the ability to utilize the enormous graphics capability of the Institute.

SEYMOUR TUBIS,
Chairman, Two Dimensional Arts, IAIA.

STATEMENT BY TED ZUERN, S.J., ON BEHALF OF THE FRIENDS COMMITTEE ON NATIONAL LEGISLATION AND THE NATIONAL OFFICE OF JESUIT SOCIAL MINISTRIES

I am Ted Zuern, a priest ordained in the Roman Catholic Church and a member of the Jesuit Order, the Society of Jesus. I have the unique position of belonging to the staffs of both the Friends Committee on National Legislation and the National Office of Jesuit Social Ministries, and I appreciate the opportunity to represent both groups in making this statement before you. I do not purport to represent the opinion of every member of these religious groups, yet both groups give substantial approval to this statement supporting S. 2166.

Beginning in January, 1953, I have served for over twenty-five years in educational, pastoral and social ministry among American Indians. I have resided on the Rosebud and Pine Ridge Sioux Reservations in South Dakota and served at the Mother Butler Indian Center in Rapid City of that same state. I have served among the Potawatomi Tribe north of Topeka, Kansas, and for the past five years I directed the Office of Indian Ministry for the Catholic Archdiocese of St. Paul and Minneapolis.

More immediately pertinent is my experience in establishing the Annual Red Cloud Indian Art Show at Pine Ridge, South Dakota in 1969. This art show, which I directed for six years and which will be held again this year from mid-June to mid-August, has become the most significant exhibition of American Indian and Native Alaskan art in the northern plains. It was designed to provide opportunity for Native American artists to display and sell their art, for fellow members of their communities to view with satisfaction the contemporary expressions of their cultural traditions, and for viewers from other cultural origins to be enriched by discovering a realm of art unknown to them.

From my experience and education I have learned that development and fulfillment come to a human person, more often than we understand, from sharing life's pains and joys. A group of persons united in their own defense, their own survival, their own maturing share a common identity. They are not isolated. A bond of unseen, intangible beliefs, assumptions, attitudes and expectations unites them and enriches them. Physical and material manifestations of their shared actions and reactions make visible the force of the unseen bond. Individuals of a society express their identity as members of that society through the humanly ingenious creativity which we recognize as art.

As individuals express their feelings, interpretations and ideals in art; they reveal their cultural identity in a recognizable tradition, a distinctive heritage. Art rises from the human warmth of an artist identified in a culture. Distinctions found between different societies are revealed in the art of those societies.

Art stimulates a response of recognition and insight in the viewer who shares the artist's heritage. For members of other heritages art reveals the genius of human expression guided distinctively through cultural structures previously unknown and unexpected.

Art reveals and satisfies. In a work of art, both the artist and the viewer recognize their personal identity and the human interrelationship between societies. Art roots in the spirits of persons and of their communities and so is essential for full growth of individuals and societies.

Because art is important to all peoples, it is important for the native peoples of this nation; the American Indians, the Eskimos, and the Aleuts. Native American art, moreover, is important for all of us regardless of our own cultural roots because it widens our grasp on the diversity of human genius. We have museums filled with artistic creations of [illegible] generations of this continent's original inhabitants. We recognize these vi[illegible]tistic expressions of their past and marvel at the splendid mastery of materia[illegible]nd techniques. We are enriched. We hold these treasures as legacies for our descendants.

We cannot stop! We must not stop in the past. American Indians, Eskimos and Aleuts are alive today. Personal, cultural, and social traditions live deep within each of them. And I personally believe, after more than twenty-five years of a liberating association with Native American peoples and their art, that there is a greater natural, instinctive talent for artistic expression within more of these people than within the mainstream of this nation's population.

We betray our common humanity if today we fail to provide for the artists of the American Indian, Eskimo, and Aleut communities. Cultural identity is not wiped away because new conditions of living have washed over the native peoples. Cultural expression is not eliminated because the style of dress, housing, and travel have been altered. A people's art is not stifled because they are surrounded by peoples of drastically different cultural ancestry. No culture is static; cultural manifestations change with the times. Art reveals the change but also reflects the roots of origin.

The government of the United States has not ignored these facts. The Institute of American Indian Art at Santa Fe, New Mexico, and the Indian Art and Crafts Board within the Department of Interior testify to this fact. I rejoiced as I saw that distinguished Indian American Lloyd New use his creative genius to establish and direct the Institute of American Indian Art in its early years. Other Americans such as the anthropologist, Royal Hassrick, and the art expert and actor, Vincent Price have responded generously in serving on the Indian Arts and Craft Board. This is an area where "Indian-government relations" have developed with honor. But now there is need for a broader undertaking.

As native peoples of this country respond with pride to the stirrings of their cultural identity, the potential for artistic creativity is greater than in past generations. Not only should they have the opportunity for artistic growth and expression; the whole nation, in fact the whole world, should have the opportunity to view the works of today's Native American artists.

The Friends Committee on National Legislation and the National Office of Jesuit Social Ministries support, encourage, and urge passage of legislative bill S. 2166 to promote development of Native American culture and art. This is a bill that provides comprehensive care, support and growth-opportunities for Native American artists. Its provisions go beyond the limits of the Institute of American Indian Art, and the Indian Art and Crafts Board.

The establishment of a national Institute of Native American Culture and Arts Development, headquartered in Santa Fe, New Mexico, would advance and expand the work begun at the Institute of American Indian Art and by the Indian Art and Crafts Board. Unified, integrated development would be possible in place of separate and independent functioning of today's agencies.

Under the direction of the National Institute of Native American Culture and Arts Development, there would be established:

1. A Center for Culture and Art Studies which would be a logical development of the present Institute of American Indian Art;
2. A Center for Native American Scholars which would provide opportunities for research, creative fellowships, publication and other related programs;
3. A Center for Cultural Exchange which would establish an inter-American program for marketing and promoting the native arts of this hemisphere;
4. A Museum of Indian Arts which would be comprehensive in the acquisition, curation, and exhibition of Native American art;
5. Any other programs or centers needed to preserve, support, revitalize, and promote the art of Native Americans.

This institute should be located at Santa Fe, New Mexico. Where else in this country do the traditions of Indian culture and the heritage of native arts blend in a spirit that vitalizes a city and its geographic setting? The early human touch upon the environs of Santa Fe was not disruptive. It was a harmonious adjustment by people closely united to the land, using natural materials for an artistic style to enrich their lives. In Santa Fe, the vitality of the past grows into a creative future. It lives with a spirit of Indian art. It should be the home of the national Institute for Native American Culture and Arts Development!

For this institute to achieve its purpose; the inspiration, support, and direction of Native American artists and groups is essential. Consultation with Native American peoples in the development of the provisions of this bill is necessary.

Some Native Americans have made observations on aspects of this bill. I shall touch on five points that I believe need consideration.

1. The All Indian Pueblo Council in New Mexico clearly wishes the facilities of the Institute of American Indian Art to be used, in place of the old Indian boarding school in Albuquerque, as a residential school for students from the Pueblos. The educational needs of Indian students in New Mexico must be respected. However, it is questionable that the campus of the Institute of American Indian Art must be used exclusively by only one group. I support the opinion that both the residential school and the institute can share the campus and facilities. If such an arrangement cannot continue indefinitely, it should be an alternative for at least some years. Possible other sites in the Santa Fe area could be considered for future development, but the institute should be located in Santa Fe.

2. Questions have arisen over the terminology "a descendent of an aboriginal inhabitant of the United States" in Section 3(3). Some believe the term is so broad as to include native peoples of Hawaii or territories of the United States. Should the language be more specific? Certainly there should be no objection to native Hawaiians and others having similar institutes, but this particular institute should be specifically for American Indians, Eskimos, and Aleuts.

Considering the great mobility of peoples native to North America, should the term "North American continent" be substituted for the term "the United States?" Some people of Native American descent who are citizens of the United States today had aboriginal roots north and south of our present national borders.

3. Section 4(b)(1) provides that the Board of Trustees include at least seven Native Americans. This establishes a united Native American veto power in a decision that requires a two-thirds majority vote, but it does not provide a simple majority. A legislative mandate that at least ten board members be Native Americans seems appropriate. Some board members should be artists, but others who have evident and developed interest in, and concern for the promotion of its art, and have other backgrounds and talents should be included also.

4. Through the history of every people, art and culture intertwine with religion. Sometimes it is extremely difficult to draw lines distinguishing one from the other. Our society's tendency to analyze and differentiate removes us from the considerably unified view of earlier societies.

The Native American Religious Freedom Act, P.L. 99-341, and the Archeological Resources Protection Act, P.L. 96-95, relate directly to this consideration. Under no circumstances should the national Institute for Native American Culture and Arts Development become a determining or limiting authority for Native American religions and the sites, sacred objects, ceremonies and rituals involved. That power must belong to the persons who worship today within the bonds of these specific religious groupings.

The institute may well engage at some future date in excavations of ancient Indian artifacts. The preservation and exhibition of these archaeological resources seems well within that institute's scope of action. However, such activity should be subject to the provisions in P.L. 96-95, especially the specification in Section 4 on excavation and removal of archaeological resources and Section 5 on custody of those resources. Furthermore, the institute should be included among the agencies referred to in Sections 10(a) and 11.

5. The Institute should establish, probably in Sante Fe, an internationally significant Museum of Indian Arts. It need not be the only museum under its sponsorship, but it should exhibit a comprehensive collection of artifacts and art from the past as well as the present. It should also establish a spirit of cooperation with already established museums of Indian art for mutually beneficial exchanges and exhibitions.

With these suggestions on behalf of the Friends Committee on National Legislation and the National Office of Jesuit Social Ministries, I urge your support and passage of S. 2166. I thank you for the opportunity to make this presentation.

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